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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter D—Water Facilities Loans

PART 354—PROCESSING LOANS TO INDIVIDUALS

Part 354 in Chapter III, Title 6, Code of Federal Regulations (13 F. R. 9429) is amended to read as follows:

Sec.
354.1 Water Facilities loan forms and routines.
354.2 Approval or rejection.
354.3 Loan closing.

AUTHORITY: §§ 354.1 to 354.3 issued under sec. 6 (3), 50 Stat. 870; 16 U. S. C. 590w (3). Interpret and apply sec. 2 (3), 50 Stat. 869, 16 U. S. C. 590s (3). Other statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: §§ 354.1 to 354.3 contained in FHA Instruction 442.4.

§ 354.1 *Water Facilities loan forms and routines*—(a) *Form FHA–197, "Application for FHA Services."* Each individual applying for initial or subsequent Water Facilities loans or technical assistance only will fill out, execute and file with the County Office, Form FHA–197. The following statement will be typed on the back of the form in the space provided for comments, and signed by the applicant:

Upon request, I will personally assist, without charge to, credit from, or other obligation on the part of the Government, in the conduct of any survey or planning operation directed by the Farmers Home Administration incident to this application.

(b) *Form FHA–121, "Certifications—Water Facilities Loans to Individuals."* (1) Part I of Form FHA–121 will be executed by the applicant at the time the application is made.

(2) Part II of Form FHA–121 will be executed by the County Committee as follows:

(i) When the applicant is determined to be eligible, by signing the "County Committee Certification."

(ii) When the applicant is determined to be ineligible, by deleting the "County Committee Certification," indicating the reasons for such determination under "Comments," and signing in the space provided.

(c) *Farm and home plans.* (1) Form FHA–14, "Farm and Home Plan," will be prepared.

(2) Form FHA–14C, "Long-Time Farm and Home Plan," when required by §§ 352.1 to 352.14 of this chapter, will be prepared.

(d) *Leases.* When the lease held by a tenant-applicant is not equitable and does not provide for reimbursement for real estate improvements made by the tenant, Form FHA–160, "Water Facilities Improvement Lease," or Form FHA–260, "Supplement to Lease," whichever is applicable, will be used.

(e) *The water facilities plan.* A plan containing the items enumerated below will be prepared.

(1) Form FHA–556, "Water Facilities Cost Estimate."

(2) A statement on (i) the methods and plans proposed for constructing the water facility, (ii) water supply availability, suitability and demand, (iii) estimated useful life of facility, (iv) contributions by the applicant and the assistance to be rendered by the Government in connection with construction, (v) date for starting construction, and (vi) plans, including an estimate of costs, for important operation and maintenance features of the facility. When land leveling is involved, information also should be included on such items as depth of top soil; depth to hardpan, rock and gravel; prevalence of alkali; and in addition, instructions should be given for leveling various fields.

(3) Exhibits such as maps, drawings and charts necessary to illustrate the proposed construction methods and plans.

(f) *Form FHA–214, "Option to Purchase Real Property, Water Rights, Water Stock, etc."* This form may be used when the applicant proposes to acquire real property, water rights, water stock, and property of a similar nature out of the proceeds of the Water Facilities loan.

(g) *Form FHA–140, "Agreement with Real Estate Creditor."* Form FHA–140 when required by the loan approving official, will be executed.

(h) *Form FHA–122, "Promissory Note."* This form will be executed.

(i) *Form FHA–258, "Agreement to Extend Repayment Period."* This form will be used only for the loans to be

(Continued on next page)

CONTENTS

Agriculture Department Page
See Farmers Home Administration; Production and Marketing Administration.

Air Force Department
Rules and regulations:
Functions, powers, and duties contained in various statutes and Executive orders; transfer from Department of the Army (*see* Defense Department).

Alien Property, Office of
Notices:
Vesting orders, etc.:
Archbald, Anne 6423
Bertry, Vital Antoine 6423
Corti, Count Egon 6423
Detroye, Jean 6424
Editions Salabert S. A 6424
Hjartsater, Jacob Johansson 6423
I. G. Farbenindustrie, A. G 6422
Ito, Jutaro 6420
Kimoto, Umetaro 6420
Klyn, Gerard K 6423
Librairie Ernest Flammarion 6422
Lundt, Sofia Maria, et al 6421
Obata, Mrs. Yeichiyo, et al 6421
Ostergaard, Thomas, et al 6424
Relling, Robert 6419
Rohlwink, Erika 6419
Schott, Heinrich, and Johannes Schott 6421
Von Blomberg, Eva 6418
Von Ilberg, Konrad, and Irmgard Von Ilberg 6418
Waegen, Eva 6420
Wagner, Hans (Johann) 6421
Yano, Fujiso 6422

Army Department
Rules and regulations:
Functions, powers, and duties contained in various statutes and Executive orders; transfer to Department of the Air Force (*see* Defense Department).

Civil Aeronautics Board
Notices:
Hearings, etc.:
Accident at Cheyenne, Wyo 6411
Pan American Airways, Inc. and American Overseas Airlines, Inc.; North Atlantic route transfer case 6412
Proposed rule making:
Certificates, parachute rigger 6409

FEDERAL REGISTER

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CONTENTS—Continued

Defense Department Page
Notices:
Functions, powers, and duties contained in various statutes and Executive orders; transfer from Department of the Army to Department of the Air Force 6411

Farmers Home Administration
Rules and regulations:
Water facilities loans; processing loans to individuals 6393

Federal Communications Commission
Rules and regulations:
Uniform system of accounts:
Radiotelegraph carriers 6404
Wire-telegraph and ocean-cable carriers 6407

Federal Power Commission Page
Notices:
Hearings, etc.:
Black River Electric Cooperative 6413
Central Kentucky Natural Gas Co. and Cincinnati Gas Transportation Co 6413
Idaho Power Co 6413
Iowa Electric Co 6413
Mullen, Cliff 6413
Oconto Electric Cooperative 6413

Interior Department
See Land Management, Bureau of.

Internal Revenue Bureau
Rules and regulations:
Alcohol, industrial; miscellaneous amendments 6398
Brandy production; procedure applicable 6400
Distilled spirits production; procedure applicable 6400
Retail liquor dealers maintaining wholesale department; records and reports 6401

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
California, Colorado, Oregon; opening of public lands restored from Federal power projects and power site classification 6412
Shore space restorations:
Alaska 6412
California 6412

Maritime Commission
Rules and regulations:
Merchant marine training; regulations and minimum standards for State Maritime Academies 6401

Production and Marketing Administration
Proposed rule making:
Milk handling in Knoxville, Tenn., area 6409
Rules and regulations:
Dates, U. S. standards for grades 6395
Grapefruit in Arizona and in part of California; limitation of shipments 6397

Securities and Exchange Commission
Notices:
Hearings, etc.:
Browning and Co. and John F. Browning 6414
Derby Gas & Electric Corp 6418
Electric Bond and Share Co. et al 6414
General Public Utilities Corp. and Pennsylvania Electric Co 6416
Malden Electric Co 6417
Northern States Power Co 6417

Treasury Department
See Internal Revenue Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6 Page
Chapter III:
Part 354 6393

Title 7
Chapter I:
Part 52 6395
Chapter IX:
Part 955 6397
Part 988 (proposed) 6409

Title 14
Chapter I:
Part 25 (proposed) 6409

Title 26
Chapter I:
Part 182 6398
Part 183 6400
Part 184 6400
Part 194 6401

Title 46
Chapter II:
Part 310 6401

Title 47
Chapter I:
Part 34 6404
Part 35 6407

secured by chattel liens which cannot run or be extended without the consent of the borrower for the period needed by the applicant for the repayment of the loan.

(j) *Form FHA–5, "Loan Voucher."* Form FHA–5 will be prepared for the total amount of the advance as indicated in the promissory note.

(Secs. 4 (3), 5, 50 Stat. 870; 16 U. S. C. 590u (3), 590v)

§ 354.2 *Approval or rejection*—(a) *Approval of loans.* (1) When a loan in excess of $1,000 is to be secured by a real estate mortgage, the applicant will be required to provide a policy of mortgagee's title insurance or an abstract of title continued down to the date the loan docket is submitted and later extended down to the date of recordation of the mortgage to the United States.

(2) When a loan of $1,000 or less is to be secured by a real estate mortgage, the applicant may furnish, in lieu of a mortgagee's policy of title insurance or an abstract, a lien search on Form FHA–87, "Report of Lien Search," prepared by an abstractor or practicing attorney.

(3) When a mortgage will be taken on the applicant's interest in rights-of-way and easements, the applicant will submit such proof of title as he may already have or a lien search on Form FHA–87 prepared by an abstractor or practicing attorney.

(b) *Rejection of loans.* When a loan is rejected, the approving official will indicate the reasons for the rejection on Form FHA–197.

§ 354.3 *Loan closing*—(a) *Meeting loan approval conditions.* (1) Upon approval of a loan the County Supervisor

will notify the applicant of the approval and of any special loan approval conditions which must be met before the loan can be closed. If no such conditions were made, the notification may be delayed until the loan check is received.

(2) Before a loan can be closed, the applicant must comply with any special loan approval conditions which must be met by the time the loan is closed.

(b) *Closing the loan.* (1) When real estate, or interests in real estate, and water rights are to be taken as security for a loan, the loan will be closed in accordance with the closing instructions issued on a case basis by the representative of the Office of the Solicitor.

[SEAL] DILLARD D. LASSETER,
Administrator,
Farmers Home Administration.

AUGUST 31, 1949.

Approved: October 14, 1949.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 49-8415; Filed, Oct. 19, 1949; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS, AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—U. S. STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS [1]

U. S. STANDARDS FOR GRADES OF DATES

The following revised United States Standards for Grades of Dates are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949) to become effective October 20, 1949.

§ 52.293 *Dates.* Dates are the properly cured fresh fruit of the date tree (Phoenix dactylifera).

(a) *Styles of dates.* (1) "Whole unpitted dates" or "whole dates" means "whole dates" from which the pits have not been removed and which may or may not be slit longitudinally.

(2) "Whole pitted dates" or "pitted dates" means whole dates from which the pits have been removed.

(3) "Cut dates" means pitted dates cut into pieces not less than ½ inch in any dimension.

(4) "Macerated dates" means dates that are ground, chopped, mashed, or broken, or that are cut or sliced into small pieces less than ½ inch in any dimension.

(b) *Grades for dates.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of whole dates or whole pitted dates of one variety that are practically uniform in color; are practically uniform in size; contain not less than 80 percent, by weight, that possess a good character and the remainder possesses a reasonably good character; may contain not more than a total of 1 percent, by weight, that possess semi-dry calyx ends, dry calyx ends, or are improperly ripened; do not exceed the allowances and limitations for defects specified in Chart No. I of paragraph (d) (1) of this section; and, with respect to whole pitted dates, there may be present not more than 1 whole pit or 2 pit fragments for each 25 ounces of whole pitted dates.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of whole dates or whole pitted dates of one variety that are reasonably uniform in color; are reasonably uniform in size; contain not less than 85 percent, by weight, that possess at least a reasonably good character and the remainder possesses not less than a fairly good character; may contain not more than a total of 5 percent, by weight, that possess semi-dry calyx ends or dry calyx ends or are improperly ripened, but, of such dates, not more than an aggregate of 1 percent, by weight, of all the dates may possess dry calyx ends or may be improperly ripened; do not exceed the allowances and limitations for defects specified in Chart No. II of paragraph (d) (2) of this section; and, with respect to whole pitted dates, there may be present not more than 1 whole pit or 2 pit fragments for each 25 ounces of whole pitted dates.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of whole dates or whole pitted dates of one variety that are fairly uniform in color; are fairly uniform in size; contain not less than 90 percent, by weight, that possess at least a fairly good character and the remainder may fail to possess fairly good character or may possess dry calyx ends or may be improperly ripened; do not exceed the allowances and limitations for defects specified in Chart No. III of paragraph (d) (3) of this section; and, with respect to whole pitted dates, there may be present not more than 1 whole pit or 2 pit fragments for each 25 ounces of whole pitted dates.

(4) "U. S. Grade D" or "Substandard" is the quality of whole dates or whole pitted dates that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

(5) "U. S. Grade D (Cut Dates)" or "Substandard (Cut Dates)" and "U. S. Grade D (Macerated Dates)" or "Substandard (Macerated Dates)" are the grade designations for cut dates and macerated dates whether or not produced from U. S. Grade D or Substandard dates or dates of better quality.

(c) *Definitions and explanations of terms*—(1) *Definitions of varying degrees of uniformity of color.* (i) "Practically uniform in color" means, with respect to dates that are predominantly light amber in color, that there may be not more than 5 percent by count of dates that are dark amber in color; and, with respect to dates that are predominantly dark amber in color, that there may be not more than 5 percent by count of dates that are light amber in color.

(ii) "Reasonably uniform in color" means, with respect to dates that are predominantly light amber in color, that there may be not more than 10 percent by count of dates that are dark amber in color; and, with respect to dates that are predominantly dark amber in color, that there may be not more than 10 percent by count of dates that are light amber in color.

(iii) "Fairly uniform in color" means, with respect to dates that are predominantly light amber in color, that there may be not more than 20 percent by count of dates that are dark amber in color; and, with respect to dates that are predominantly dark amber in color, that there may be not more than 20 percent by count of dates that are light amber in color.

(2) *Definitions of varying degrees of uniformity of size.* (i) "Practically uniform in size" means that not more than a total of 10 percent by weight of whole unpitted dates or whole pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(ii) "Reasonably uniform in size" means that not more than a total of 15 percent by weight of whole unpitted dates or whole pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(iii) "Fairly uniform in size" means that not more than a total of 20 percent by weight of whole unpitted dates or whole pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(3) *Definitions of varying degrees of character.* (i) "Good character" is the character of a date which is well developed, well fleshed, soft, and translucent.

(ii) "Reasonably good character" is the character of a date which is reasonably well developed, reasonably well fleshed, pliable, and semi-translucent; or is the character of a date which has reached a stage of maturity that may be expected to develop into a reasonably well-ripened date.

(iii) "Fairly good character" is the character of a date which is fairly well developed, fairly well fleshed, and may be firm but is pliable; or is the character of a date which has reached a stage of maturity that may be expected to develop into a fairly well-ripened date. Dates of this character may possess semi-dry calyx ends.

(iv) "Semi-dry calyx end" means that the flesh at the stem end of a date, constituting not less than one-eighth and not more than one-fourth of the date, is slightly lacking in character, is noticeably firm and materially more dry than the balance of the date.

(v) "Dry calyx end" means that the flesh at the stem end of the date, constituting more than one-fourth of the date, is materially lacking in character, hard, and materially more dry than the balance of the date.

(vi) "Improperly ripened" means evidence of "green shrivel" of the date or that the date possesses a puffy flesh or a

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

decidedly rubbery texture resulting from failure of the tissue of the date to reach a desirable soft, pliable condition.

(4) *Definition of defects.* (i) "Damaged by discoloration" is the presence of a dark area in the flesh of the date, which dark area is visible through the skin and is more than one-fourth (¼) inch in width and extends more than the equivalent of half the length of the date, such darkening being of natural origin and not caused by mold or other organism.

(ii) "Damaged by broken skin" is any rupture of the skin in a manner to expose the flesh of the date, the shortest dimension of such exposed area being not less than three-sixteenths (3/16) inch.

(iii) "Damaged by checking" is the presence of fine lines, resulting from water injury, affecting the surface of the skin over an area not less than one-fourth of the total surface of the date.

(iv) "Seriously damaged by checking" is the presence of heavy lines, resulting from water injury, seriously affecting the surface of the skin over an area not less than one-fourth of the total surface of the date.

(v) "Damaged by deformity" is any abnormal shape sufficient to produce an appearance discernibly at variance with the normal shape that is typical of the variety.

(vi) "Damaged by puffiness" is the condition of a date of which the skin is soft and pliable and from which the skin is separated from the flesh in a balloon-like fashion, over an area not less than one-half of the total surface of the date. Soft skins which have returned and adhere to the flesh of the date are not considered "damaged by puffiness."

(vii) "Seriously damaged by puffiness" is the condition of a date of which the skin is dry, hard, and brittle and from which the skin is separated from the flesh over an area not less than one-half of the total surface of the date.

(viii) "Damaged by scars" are any blemishes that affect the exterior of the date and which are not less than three-sixteenths (3/16) inch in the shortest dimension.

(ix) "Damaged by sunburn" is an area, usually light in color, scarred by the heat of the sun, such area being not less than three-sixteenths (3/16) inch in the shortest dimension.

(x) "Damaged by insect injury" is any blemish, resulting from the activity of insects or mites, distributed over an area of not less than one-eighth of the total surface of the date.

(xi) "Damaged by improper hydrating" means that the date has been injured by excessive heat or that the hydrating process is incomplete.

(xii) "Damaged by mashing" means any physical injury to the flesh and skin of the date leaving the date partially mangled but otherwise whole.

(xiii) "Damaged by mechanical injury" means excessive trimming or similar injury that damages the appearance or that damages or affects the eating quality of the whole date or the whole unpitted date.

(xiv) "Damaged by lack of pollination" means, with respect to whole unpitted dates, that pollination of the date was not accomplished, such condition being manifested by the absence of a pit in the whole unpitted dates or by thin, immature appearance of the date.

(xv) "Damaged by blacknose" is severe checking in which the flesh becomes dark, crusty, and dry and which severe checking affects an area greater than one-eighth of the total surface of the date.

(xvi) "Damaged by side spot" means a very dark area, which generally is circular in appearance, extending into the flesh of the date and, when decayed tissue or mold is not present, affecting in the aggregate an area not less than the area of a circle three-sixteenths (3/16) inch in diameter.

(xvii) "Damaged by black scald" means the collapse, death, and blackening of the flesh along the side of the date, usually accompanied by a bitter taste in the affected area.

(xviii) "Damaged by other defects" means any injury or defect or group of defects not defined in this section (such as, but not limited to, heavy sugaring, and excessive scars not described in the definition "damaged by scars,") which materially affect the appearance, edibility, or keeping quality of the dates.

(xix) "Affected by souring" is evidenced by the break-down of the sugars into alcohol and acetic acid by yeasts and bacteria.

(xx) "Affected by mold" is the presence of visible mold.

(xxi) "Affected by dirt" is the presence of any quantity of such substance.

(xxii) "Affected by insect infestation" is the presence of dead insects, insect parts, or excreta. (No live insects are permitted.)

(xxiii) "Affected by foreign material" is the presence of any quantity of such substances.

(xxiv) "Affected by decay" is a state of decomposition.

(d) *Specifications of allowances and limitations for defects with respect to whole dates and whole pitted dates*—(1) *U. S. Grade A or U. S. Fancy.* The following total allowance and limitations are to be used in ascertaining whether whole dates or whole pitted dates are U. S. Grade A or U. S. Fancy:

CHART NO. I

TOTAL ALLOWANCE

Not more than a total of 10 percent[1] for the following defects:

Damaged by:
- Discoloration.
- Broken skin.
- Checking.
- Deformity.
- Puffiness.
- Scars.
- Sunburn.
- Insect injury.
- Improper hydrating.
- Mashing.
- Mechanical injury.
- Lack of pollination
- Blacknose.

Damaged by:
- Side spot.
- Black scald.
- Other defects.

Seriously damaged by puffiness.

Seriously damaged by checking.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

[1] Percentages are by weight.

LIMITATIONS

Not more than 3/5 of the total allowance, or 6 percent[1], may be the following:

Damaged by:
- Side spot.
- Black scald.
- Other defects.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than 2/5 of the total allowance, or 4 percent,[1] may be the following:

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than 1/10 of the total allowance, or 1 percent[1], may be the defect shown below:

Affected by decay

(2) *U. S. Grade B or U. S. Choice.* The following allowances and limitations are to be used in ascertaining whether whole dates or whole pitted dates are U. S. Grade B or U. S. Choice:

CHART NO. II

ALLOWANCES

Not more than 15 percent[1] may be the following defect:

Seriously damaged by checking

Not more than 20 percent[1] may be the following defect:

Damaged by broken skin

ADDITIONAL ALLOWANCE

Not more than a total of 15 percent[1] for the following defects:

Damaged by:
- Deformity.
- Puffiness.
- Scars.
- Sunburn.
- Insect injury.
- Improper hydrating.
- Mashing.
- Mechanical injury.
- Lack of pollination.
- Blacknose.
- Side spot.
- Black scald.
- Other defects.

Seriously damaged by puffiness.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

LIMITATIONS

Not more than 2/3 of the additional allowance, or 10 percent,[1] may be the following:

Damaged by:
- Lack of pollination.
- Blacknose.
- Side spot.
- Black scald.
- Other defects.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than 1/3 of the additional allowance, or 5 percent,[1] may be the following:

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than 1/15 of the additional allowance, or 1 percent,[1] may be the defect shown below:

Affected by decay

(3) *U. S. Grade C or U. S. Standard.* The following total allowance and limitations are to be used in ascertaining

whether whole dates or whole pitted dates are U. S. Grade C or U. S. Standard:

CHART NO. III

TOTAL ALLOWANCE

Not more than a total of 20 percent [1] for the following defects:

Damaged by:	Seriously damaged by puffiness.
Deformity.	
Scars.	
Sunburn.	
Insect injury.	
Improper hydrating.	
Mashing.	
Mechanical injury.	Affected by:
Lack of pollination.	Souring.
	Mold.
Blacknose.	Dirt.
Side spot.	Insect infestation.
Black scald.	Foreign material.
Other defects.	Decay.

LIMITATIONS

Not more than ½ of the total allowance, or 10 percent [1] may be the following:

Damaged by:	Affected by:
Lack of pollination.	Souring.
	Mold.
Blacknose.	Dirt.
Side spot.	Insect infestation.
Black scald.	Foreign material.
Other defects.	Decay.

Not more than ¼ of the total allowance, or 5 percent [1], may be the following:

Affected by:
Souring.
Mold.
Dirt.
Insect infestation.
Foreign material.
Decay.

Not more than 1/10 of the total allowance, or 2 percent,[1] may be the defect shown below:

Affected by decay

(e) *Work sheet for dates.*

Size and kind of container	------
Container mark or identification	------
Label or brand	------
Net weight	------
Style	------
Count (per lb.)	------
Moisture content (if determined)	------
Uniformity of color (percent by count):	
Practically uniform ____% light ____% dark amber	------
Reasonably uniform ____% light ____% dark amber	------
Fairly uniform ____% light ____% dark amber	------
Uniformity of size (percent by weight):	
Practically uniform: ____% larger; ____% smaller	------
Reasonably uniform: ____% larger; ____% smaller	------
Fairly uniform ____% larger; ____% smaller	------
Whole pits or pit fragments	------
Character:	
(A) Good: ____% Reasonably good	------
(B) Reasonably good: ____% Fairly good	------
(C) Fairly good: ____% fail to meet "fairly good"	
------ Semi-dry calyx ends	____%
------ Dry calyx ends or improperly ripened	____%
Defects (percent by weight):	
Affected by decay	____%
Affected by souring, mold, dirt, insect infestation, foreign material	____%
Damaged by lack of pollination, blacknose, side spot, black scald, other defects	____%
Sub-total above defects	____%
Damaged by puffiness [1]	____%
Seriously damaged by puffiness	____%
Damaged by checking [2]	____%
Seriously damaged by checking [3]	____%

[1] No limit in U. S. Grade C or U. S. Standard for "damaged by puffiness."
[2] No limit in U. S. Grade B or U. S. Choice and in U. S. Grade C or U. S. Standard for "damaged by checking."
[3] No limit in U. S. Grade C or U. S. Standard for "seriously damaged by checking."

[1] Percentages are by weight.

Defects (percent by weight)—Continued	
Damaged by broken skin [4]	____%
Damaged by discoloration [5]	____%
Damaged by deformity, scars, sunburn, insect injury, improper hydrating, mashing, mechanical injury	____%
Grand total all defects	____%
U. S. Grade (including all factors)	------

[4] No limit in U. S. Grade C or U. S. Standard for "damaged by broken skin."
[5] No limit in U. S. Grade B or U. S. Choice and in U. S. Grade C or U. S. Standard for "damaged by discoloration."

(f) *Effective time and supersedure.* The foregoing revised United States Standards for Grades of Dates (which are the second issue) shall become effective October 20, 1949 and thereupon supersede the standards for grades of dates (7 CFR 52.293) which have been in effect since August 11, 1947.

For the reasons hereinafter set forth, it is hereby found and determined that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Since August 11, 1947, the effective date of the current provisions of the United States Standards for Grades of Dates (7 CFR 52.293), packers of dates have been using such standards in marketing their dates, and buyers and brokers have also been using the standards in making sales and purchases of this product.

During the past year, the Department has conducted extensive investigations in the producing areas and carefully appraised the changes contained in the foregoing revised standards. Meetings and discussions have also been carried on with all interested parties to obtain their views and comments, as well as the benefits of their experiences and practices. After the use, study, and investigations, as aforesaid, of the current standards, all interested parties have now requested the modifications contained in the foregoing revised standards.

All interested parties have indicated to the Department of Agriculture that such modifications will be fair and equitable to all date producing areas and have strongly urged the issuance of the foregoing revised standards at the earliest date practicable in order that they may be used in the present marketing programs.

In view of these considerations, and the fact that the modifications incorporated in the foregoing revised standards are well known to and understood by all interested parties, and require no substantial changes in operations to prepare for their adoption and use, it is hereby found that good cause exists for making the foregoing revised standards effective less than thirty days after publication in the FEDERAL REGISTER.

(60 Stat. 1087; 7 U. S. C. 1621 et seq.; Pub. Law 146, 81st Cong., approved June 29, 1949)

Issued at Washington, D. C., this 14th day of October 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-8414; Filed, Oct. 19, 1949; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 65]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.326 *Grapefruit Regulation 65*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 55 (7 CFR, Part 955) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

The Administrative Committee held an open meeting on October 6, 1949, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of the grapefruit at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., October 23, 1949, and ending at 12:01 a. m., P. s. t., November 27, 1949, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, Cali-

fornia; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are at least fairly well colored, are free from distinct green streaks and distinct green blotches, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any graptefruit, grown as aforesaid, which are of a size smaller than $3^{11}/_{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit grown, as aforesaid, which are of a size smaller than $3^{9}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{2}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{13}/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order; and the terms "U. S. No. 2" and "fairly well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Part 955)

Done at Washington, D. C., this 18th day of October 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-8458; Filed, Oct. 19, 1949; 9:05 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of Agriculture

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5751]

PART 182—INDUSTRIAL ALCOHOL

MISCELLANEOUS AMENDMENTS

1. Sections 182.169, 182.295, 182.551 (b), 182.653 (b), 182.687 (b), 182.712, 182.744 (b), 182.806 (b), 182.829 (b) and 182.829 (b) (3) of Regulations 3 (26 CFR, Part 182) approved March 6, 1942, are amended; §§ 182.710a and 182.712a are added to such regulations; and § 182.710 of such regulations is revoked.

§ 182.169 *Bond, Form 1448.* Every person filing an application for a basic permit to use alcohol free of tax upon filing his application, Form 1447, and before issuance of permit pursuant thereto, shall execute a bond on Form 1448, "Tax-Free Alcohol User's Bond," in triplicate, in conformity with the provisions of §§ 182.184 through 182.205, and file the same with the district supervisor: *Provided*, That no bond will be required where applications are filed by a State or Territory, or municipal subdivision thereof, or by the District of Columbia, or where the quantity of alcohol covered by basic permit, Form 1447, does not exceed 60 wine gallons per annum and the quantity which may be on hand, in transit, or unaccounted for at any one time does not exceed 5 wine gallons (10 proof gallons). (Secs. 3105, 3108, 3124 (a) (6), 3176, I. R. C.)

§ 182.295 *Procedure applicable.* The foregoing provisions of §§ 182.282 to 182.294 respecting the action required of district supervisors in connection with applications for original basic permits will be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name, or in the trade name or style, where the premises are to be operated initially under a trade name or style, or where there is a change in the proprietorship, location, premises, construction, apparatus and equipment, or in the type of premises or operation, or where there is a change in the title to industrial alcohol plant or bonded warehouse property, or where such property becomes subject to a mortgage, judgment, or other encumbrance, or where operations are permanently discontinued: *Provided*, That in the case of industrial alcohol plants, bonded warehouses, or denaturing plants, where there is a change in the individual, firm, or corporate name of the permittee, or where an industrial alcohol plant is to be again operated under a trade name or style previously approved by the Commissioner, or where an industrial alcohol plant has been operating as a registered distillery or as a fruit distillery and is to be again operated as an industrial alcohol plant by the proprietor whose qualifications were previously approved by the Commissioner, the district supervisor may authorize the commencement of operations prior to the review of the qualifying documents by the Commissioner. In such cases, the district supervisor will notify the permittee by letter and attach one copy of such letter to the qualifying documents. (Secs. 3105, 3124, (a) (6), 3176, I. R. C.)

§ 182.551 *Application and withdrawal permit, Form 1436.* * * *

(b) *Withdrawal permit.* If the application is approved by the district supervisor, he will issue a withdrawal permit on Part II of the Form 1436. If the applicant's basic permit on Form 1433 for his bonded warehouse limits the quantity of alcohol that may be on hand, in transit, and unaccounted for at any one time, the quantity authorized by the withdrawal permit on Form 1436 to be withdrawn during any calendar month, shall not exceed such quantity specified in the applicant's basic permit. The district supervisor will forward the original copy of the withdrawal permit to the applicant and will retain the duplicate copy for his files. When the proprietor of the receiving warehouse desires to procure alcohol, he will forward the original of the withdrawal permit to the proprietor of the bonded warehouse named therein from whom he desires to procure the alcohol. Upon shipment, the proprietor of the shipping warehouse will enter the shipment on the permit and return it to the consignee, unless he has been authorized by the consignee to retain the permit for the purpose of making future shipments. No alcohol may be shipped by a consignor named in the withdrawal permit until such permit is in his possession. Except as provided in paragraph (d) of this section, further like transfers may be made under such permit during the term for which it is issued.

§ 182.653 *Application and withdrawal permit, Form 1450.* * * *

(b) *Withdrawal permit.* If the application is approved by the district supervisor, he shall issue withdrawal permit on Part II of Form 1450. The permit shall specify the quantity that may be procured during any calendar month and the total quantity that may be procured during the period for which the withdrawal permit is issued. The total quantity authorized by the withdrawal permit shall not exceed that fixed in the basic permit, Form 1447, and the quantity that may be withdrawn during any calendar month shall not exceed one-twelfth of such quantity: *Provided*, That if the withdrawal permit, Form 1450, is issued for a period of less than 12 months, the quantity authorized to be withdrawn in any calendar month shall be in proportion to the period for which the withdrawal permit is issued; for example, if the withdrawal permit is issued for a period of six months, not over one-sixth of the total quantity specified therein may be withdrawn during a calendar month: *And provided further*, That where the withdrawal permit is issued for a period less than that covered by the applicant's basic permit, the total quantity authorized in the withdrawal permit shall be in proportion to the unexpired term of the basic permit. The withdrawal permit shall specify the date when the same shall be available for withdrawal purposes. The district supervisor will forward the original copy of the withdrawal permit to the permittee and will retain the duplicate copy for his files.

§ 182.687 *Application and withdrawal permit, Form 1463.* * * *

(b) *Withdrawal permit.* If the application is approved by the district supervisor, he will issue a withdrawal permit on Part II of the Form 1463. Where the applicant's basic permit limits the quantity of alcohol, specially denatured alcohol, and recovered or restored denatured alcohol that may be on hand, in transit, and unaccounted for at any one time at the denaturing plant, the quantity authorized by the withdrawal permit to be withdrawn during any cal-

endar month shall not exceed the quantity so limited in the basic permit. The district supervisor will forward the original copy of the withdrawal permit to the applicant and will retain the duplicate copy for his files. When the proprietor of the denaturing plant desires to procure alcohol, he will forward the original of the withdrawal permit to the proprietor of the industrial alcohol plant or bonded warehouse named therein from whom he desires to procure alcohol. Upon shipment, the proprietor of the industrial alcohol plant or warehouse will enter the shipment on the permit and return it to the denaturer, unless he has been authorized by the denaturer to retain the permit for the purpose of making future shipments. No alcohol may be shipped by a consignor named in the withdrawal permit until such permit is in his possession. Except as provided in paragraph (d) of this section, further like transfers may be made under such permit during the term for which it was issued.

§ 182.710a *Form 1472.* A report of each sample submitted by the storekeeper-gauger for analysis shall be prepared by him on Form 1472, "Report on Denaturants," in triplicate and forwarded to the chemist. (Secs. 3070, 3102, 3105, 3124 (a) (6), 3176, I. R. C.)

§ 182.712 *Report of analysis by the chemist.* Upon completion of the analysis of the denaturants, the authorized chemist shall make a report of his analysis on the Form 1472, in triplicate, received from the storekeeper-gauger, note his approval or disapproval of the samples thereon, and sign the same. One copy of the Form 1472 shall be returned to the storekeeper-gauger in charge of the denaturing plant, one copy shall be forwarded to the district supervisor and the remaining copy shall be transmitted to the Commissioner. (Secs. 3070, 3102, 3105, 3124 (a) (6), 3176, I. R. C.)

§ 182.712a *Retention of samples.* The chemist must hold all samples of denaturing grade wood alcohol, methyl alcohol, and denaturants used for completely denatured alcohol for six months, and other samples of denaturants for thirty days, so that they will be available for future reference, if necessary.* (Secs. 3070, 3102, 3105, 3124 (a) (6), 3716, I. R. C.)

§ 182.744 *Application and withdrawal permit for specially denatured alcohol, Form 1464.* * * *

(b) *Withdrawal permit.* If the application is approved by the district supervisor, he will issue a withdrawal permit on Part II of Form 1464. Where the applicant's basic permit, Form 1433, limits the quantity that may be on hand, in transit, and unaccounted for at any one time at his denaturing plant, the quantity of specially denatured alcohol authorized by the permit to be withdrawn during a calendar month shall not exceed the quantity of alcohol, specially denatured alcohol, and recovered or restored denatured alcohol authorized by the applicant's basic permit to be on hand, in transit, and unaccounted for at any one time at the denaturing plant, less the quantity of ethyl alcohol authorized to be withdrawn pursuant to withdrawal permit, Form 1463. The district supervisor will forward the original copy of the withdrawal permit to the applicant and will retain the duplicate copy for his files. When the proprietor of the receiving denaturing plant desires to procure specially denatured alcohol, he will forward the original of the withdrawal permit to the proprietor of the denaturing plant named therein from whom he desires to procure specially denatured alcohol. Upon shipment, the proprietor of the shipping denaturing plant will enter the shipment on the permit and return it to the receiving denaturer, unless he has been authorized by the receiving denaturer to retain the permit for the purpose of making future shipments. No specially denatured alcohol may be shipped by a consignor named in the withdrawal permit until such permit is in his possession. Except as provided in paragraph (d) of this section, further like transfers may be made under such permit during the term for which it was issued.

§ 182.806 *Application of withdrawals permit, Form 1477.* * * *

(b) *Withdrawal permit.* If the application is approved by the district supervisor, he shall issue withdrawal permit on Part II of Form 1477. The permit shall specify the quantity that may be procured during any calendar month and the total quantity that may be procured during the period for which the withdrawal permit is issued. The total quantity authorized by the withdrawal permit shall not exceed that fixed in the basic permit, Form 1476, and the quantity that may be withdrawn during any calendar month shall not exceed one-twelfth of such quantity: *Provided,* That if the withdrawal permit, Form 1477, is issued for a period of less than 12 months, the quantity authorized to be withdrawn in any calendar month shall be in proportion to the period for which the withdrawal permit is issued; for example, if the withdrawal permit is issued for a period of 6 months, not over one-sixth of the total quantity specified therein may be withdrawn during a calendar month: *And provided further,* That where the withdrawal permit is issued for a period less than that covered by the applicant's basic permit, the total quantity authorized in the withdrawal permit shall be in proportion to the unexpired term of the basic permit. The withdrawal permit shall specify the date when the same shall be available for withdrawal purposes. The district supervisor will forward the original copy of the withdrawal permit to the permittee and will retain the duplicate copy for his files.

§ 182.829 *Application and withdrawal permit, Form 1485.* * * *

(b) *Withdrawal permit.* If the application is approved by the district supervisor, he shall issue withdrawal permit on Part II of Form 1485. The permit shall specify the quantity that may be procured during any calendar month and the total quantity that may be procured during the period for which the withdrawal permit is issued. The total quantity of each formula authorized by the withdrawal permit shall not exceed the quantity of such formula fixed in the basic permit, Form 1481, and the quantity of such formula that may be withdrawn during any calendar month shall not exceed one-twelfth of such quantity: *Provided,* That if the withdrawal permit, Form 1485, is issued for a period of less than 12 months, the quantity authorized to be withdrawn in any calendar month shall be in proportion to the period for which the withdrawal permit is issued; for example, if the withdrawal permit is issued for a period of 6 months, not over one-sixth of the total quantity specified therein may be withdrawn during a calendar month, subject to the provisions of subparagraphs (1) and (2) of this paragraph: *And provided further,* That where the withdrawal permit is issued for a period less than that covered by the applicant's basic permit, the total quantity authorized in the withdrawal permit shall be in proportion to the unexpired term of the basic permit. If withdrawals are to be made in drums or barrels, the permit shall be in multiples of 55 wine gallons. The withdrawal permit shall specify the date when the same shall be available for withdrawal purposes. The district supervisor will forward the original copy of the withdrawal permit to the permittee and will retain the duplicate copy for his files.

* * * * *

(3) *Exception.* The district supervisor may, in his discretion, by appropriate modification or amendment of the withdrawal permit, pursuant to application on Part I of Form 1485, and, in the case of subdivisions (i) and (ii) of this subparagraph, upon proper showing of necessity therefor, (i) in the case of a seasonal business, authorize withdrawal during any calendar month of not to exceed a two months' allowance, or (ii) issue to the permittee, in lieu of an annual permit, Form 1485, one or more withdrawal permits for a specified quantity or period, subject to the restrictions in this section as to the maximum quantity that may be withdrawn during any one month, or (iii) where the quantity that may be withdrawn during a calendar month under this paragraph amounts to less than 1 drum (55 wine gallons), authorize the withdrawal during a calendar month of a quantity not exceeding 1 drum (55 wine gallons), or (iv) where the applicant does not have on file a bond and the quantity that may be withdrawn during a calendar month under this paragraph amounts to less than 5 wine gallons, authorize the withdrawal during a calendar month of a quantity not exceeding 5 wine gallons: *Provided,* That the total quantity authorized under subdivisions (i), (ii), (iii), or (iv) of this subparagraph, pursuant to all Forms 1485 issued to any permittee, shall not exceed the quantity specified in the applicant's basic permit, Form 1481, that may be withdrawn during the period for which it is issued: *Provided further,* That such additional withdrawals shall not be authorized under subdivisions (i), (ii), or (iii) of this subparagraph, unless the bond of the permittee is in a sufficient

penal sum to cover the increased quantity in addition to the regular withdrawal allowance.

2. The amendment of § 182.169 brings this section into agreement with § 182.653 (b) (3) in respect to bond requirements in those cases where quantities of tax-free alcohol in excess of 5 wine gallons (10 proof gallons) at one time are procured for economic reasons by permittees whose permits limit the annual withdrawal and use to 60 wine gallons.

3. The district supervisor is, under the amendment of § 182.295, authorized to permit the resumption of operations by an industrial alcohol plant which has been operating as a registered distillery or a fruit distillery and which has been previously approved by the Commissioner, prior to review of the qualifying documents by the Commissioner.

4. The requirement that the district supervisor of the receiving district prepare and furnish the district supervisor of the shipping district a copy of the withdrawal permit, in those cases involving interdistrict shipments of alcohol and specially denatured alcohol, has been deleted by the amendment of §§ 182.551 (b), 182.653 (b), 182.687 (b), 182.774 (b), 182.806 (b) and 182.829 (b).

5. Form 1472 is prescribed for use in connection with the submission and approval of samples of denaturants, in lieu of Forms 1470 and 1472, under the provisions of §§ 182.710a 182.712. Section 182.710 relating to Form 1470 is revoked. Paragraph (b) of § 182.712 has been rewritten as § 182.712a.

6. The amendment of § 182.829 (b) is for the purpose of insuring that quantities of specially denatured alcohol authorized to be withdrawn and used under basic permit, Form 1481, will be within the total authorized by all withdrawal permits, Form 1485, issued in any case.

7. It is found that compliance with the notice, public rule making procedure and effective date requirements of the Administrative Procedure Act is unnecessary in connection with the issuance of these regulations for the reason that the amendments are of a clarifying, liberalizing and administrative nature.

8. This Treasury decision shall be effective immediately upon its publication in the FEDERAL REGISTER.

(Sec. 3070, 3102, 3105, 3108, 3124 (a) (6), 3176, I. R. C.; 26 U. S. C. 3070, 3102, 3105, 3108, 3124 (a) (6), 3176)

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: October 14, 1949.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 49-8391; Filed, Oct. 19, 1949; 8:51 a. m.]

[T. D. 5752]

PART 183—PRODUCTION OF DISTILLED SPIRITS

PROCEDURE APPLICABLE

1. Section 183.170 of Regulations 4 (26 CFR, Part 183) approved February 28, 1940, relating to the production of distilled spirits, is hereby amended to read as follows:

§ 183.170 *Procedure applicable.* The foregoing provisions of this section respecting the action required of district supervisors in connection with the establishment of distilleries will be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name of the distiller, or in the trade name or style, or where the distillery is to be operated initially under a trade name or style, or where there is a change in the proprietorship, location, premises, construction, apparatus and equipment of the distillery, or in the type of plant, or in the title to the distillery property, or where such property becomes subject to a mortgage, judgment, or other encumbrance, or where operations are permanently discontinued: *Provided,* That where there is a change in the individual, firm, or corporate name of the distiller, or where the distillery is to be again operated under a trade name or style previously approved by the Commissioner, or where the distillery is to be operated under alternating proprietorships and a former proprietor whose qualifications were previously approved by the Commissioner is again to operate the distillery, or where a registered distillery has been operating alternately as a fruit distillery or as an industrial alcohol plant and is to be again operated as a registered distillery by the proprietor whose qualifications were previously approved by the Commissioner, the district supervisor may authorize the commencement of operations prior to the review of the qualifying documents by the Commissioner. In such cases, the district supervisor will notify the distiller by letter and attach one copy of such letter to the qualifying documents. (Sec. 3176, I. R. C.)

2. The purpose of this amendment is to delegate authority to the district supervisor to permit the commencement of operations by a registered distillery which has been operating as an industrial alcohol plant or as a fruit distillery, and which has been previously approved by the Commissioner, prior to review of the qualifying documents by the Commissioner.

3. It is found that compliance with the notice, public rule making procedure and effective date requirements of the Administrative Procedure Act (5 U. S. C., sec. 1001, et seq.) is unnecessary in connection with the issuance of these regulations for the reason that the amendment is of a liberalizing character.

4. This Treasury decision shall be effective immediately upon its publication in the FEDERAL REGISTER.

(Sec. 3176, I. R. C.; 26 U. S. C. 3176)

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: October 14, 1949.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 49-8417; Filed, Oct. 19, 1949; 8:51 a. m.]

[T. D. 5753]

PART 184—PRODUCTION OF BRANDY

PROCEDURE APPLICABLE

1. Section 184.151 of Regulations 5 (26 CFR, Part 184) approved February 28, 1940, relating to the production of brandy, is hereby amended to read as follows:

§ 184.151 *Procedure applicable.* The foregoing provisions of this §§ 184.141 to 184.150 respecting the action required of district supervisors in connection with the original establishment of distilleries will be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name, or in the trade name or style, where the premises are to be operated initially under a trade name or style, or where there is a change in the proprietorship, location, premises, construction, apparatus and equipment, or in the type of plant, or in the title to the distillery property, or where such property becomes subject to a mortgage, judgment, lien, or other encumbrance, or where operations are permanently discontinued: *Provided,* That where there is a change in the individual, firm, or corporate name of the distiller, or where a distillery is to be again operated under a trade name or style previously approved by the Commissioner, or where the distillery is operated under alternating proprietorships and a former proprietor whose qualifications were previously approved by the Commissioner is again to operate the distillery, or where a fruit distillery has been operated alternately as a registered distillery or as an industrial alcohol plant and is to be again operated as a fruit distillery by the the proprietor whose qualifications were previously approved by the Commissioner, the district supervisor may authorize the commencement of operations prior to the review of the qualifying documents by the Commissioner. In such cases, the district supervisor will notify the distiller by letter and attach one copy of such letter to the qualifying documents. (Sec. 3176, I. R. C.)

2. The purpose of this amendment is to delegate authority to the district supervisor to authorize the commencement of operations of the distillery prior to the review of the qualifying documents by the Commissioner, (1) where the fruit distillery is operated under alternating proprietorships and a former proprietor whose qualifications were previously approved by the Commissioner is again to operate the distillery, and (2) where the fruit distillery has been operating as an industrial alcohol plant or as a registered distillery and is again to be operated as a fruit distillery.

3. It is found that compliance with the notice, public rule making procedure and effective date requirements of the Administrative Procedure Act (5 U. S. C., sec. 1001 et seq.) is unnecessary in connection with the issuance of these regulations for the reason that the changes made are of a liberalizing character.

4. This Treasury decision shall be effective immediately upon its publication in the FEDERAL REGISTER.

(Sec. 3176, I. R. C.; 26 U. S. C. 3176)

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: October 14, 1949.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 49-8418; Filed, Oct. 19, 1949; 8:54 a. m.]

[T. D. 5754]

PART 194—WHOLESALE AND RETAIL DEALERS IN LIQUORS

RECORDS AND REPORTS OF RETAIL DEALERS MAINTAINING A WHOLESALE DEPARTMENT

1. On August 12, 1949, notice of proposed rule making regarding the preparation of Record 52, "Wholesale Liquor Dealer's Record," by persons engaged in the business of selling distilled spirits primarily at retail but also selling occasionally in wholesale quantities, was published in the FEDERAL REGISTER (14 F. R. 4984).

2. No objections to the rule having been received, Regulations 20 (26 CFR, Part 194), approved June 6, 1940, are hereby amended by adding § 194.79a and amending § 194.80, as follows:

§ 194.79a *Retail liquor dealers maintaining a wholesale department.* (a) A liquor dealer engaged in the business of selling primarily at retail, who at the same premises also makes occasional sales of distilled spirits in quantities of 5 wine gallons or more in his capacity of a wholesale liquor dealer, need not enter in Record 52 all distilled spirits received at the premises as required by § 194.79. As used herein, the term "selling primarily at retail" shall mean that sales at retail must normally represent at least 90 percent of the volume of distilled spirits sold during a month. Where a liquor dealer is engaged in such business, all distilled spirits at the premises may be considered as having been received in the retail department. When a sale of 5 wine gallons or more is made, the distilled spirits involved in the transaction must be shown in Record 52 as received from the retail department and as disposed of. Entries will be made in the various columns of the record pursuant to the provisions of §§ 194.75 and 194.77. The provisions of §§ 194.76, 194.80 (a) and 194.80a, relative respectively to separate records, the daily filing of transcripts of Record 52 and certain additional requirements are not applicable to such liquor dealers.

(b) The wholesale department need not be maintained in a separate room or be partitioned off from the retail department, but sales at wholesale must be made in a part of the premises designated as the wholesale department. (Sec. 2857, I. R. C.)

§ 194.80 *Reports.* * * *

(b) If there were no receipts and disposals of distilled spirits by a wholesale liquor dealer during a month, it will not be necessary to prepare Forms 52A and 52B. However, a summary on Form 338 must be prepared and forwarded to the district supervisor, showing the quantity on hand the first day of the month and the quantity on hand the last day of the month and marked "No transactions during month." Wholesale liquor dealers maintaining records in the simplified manner prescribed by § 194.79a should show in the summary on Form 338 that no distilled spirits were on hand the first day and the last day of the month. When a wholesale liquor dealer discontinues business as such, he shall render monthly reports, Forms 52A and 52B and the summary report on Form 338, covering transactions for the month in which business is discontinued, and mark such reports "Final." Record 52 shall be preserved by the dealer for a period of 4 years. (Sec. 2857, I. R. C.)

3. These amendments are designed to simplify the preparation of Record 52, "Wholesale Liquor Dealer's Record," by persons engaged in the business of selling distilled spirits primarily at retail but also selling occasionally in wholesale quantities.

4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Sec. 2857, I. R. C.; 26 U. S. C. 2857)

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: October 14, 1949.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 49-8419; Filed, Oct. 19, 1949; 8:55 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[Gen. Order 22, 3d Rev., WSA Function Series]

PART 310—MERCHANT MARINE TRAINING

SUBPART A—REGULATIONS AND MINIMUM STANDARDS FOR STATE MARITIME ACADEMIES

General Order 22, 2d Revision as amended and published in the FEDERAL REGISTER on June 7, 1947, and November 14, 1947 (12 F. R. 3745, 7595), is revised to read:

The United States Maritime Commission, pursuant to the authority conferred upon it by the Merchant Marine Act, 1936, as amended; Title 34, U. S. C., sections 1121, 1122, 1123, and 1123 a–e inclusive; Executive Order No. 9083 dated March 2, 1942, Executive Order 9198 dated July 11, 1942; and section 202 of Public Law 492, 79th Congress (60 Stat. 501) hereby prescribes and adopts as necessary and appropriate to maintain trained and efficient merchant marine personnel the following regulations for State Maritime Academies.

Sec.
310.1 Definitions.
310.2 Federal aid and finances.
310.3 Schools and courses.
310.4 Training ship.
310.5 Personnel.
310.6 Entrance standards.
310.7 Enrollment.
310.8 Scholarship subsidy, subsistence, and charges.
310.9 Leave.
310.10 Medical attention and injury claims.
310.11 Discipline and dismissal.
310.12 Scope and effect of §§ 310.1 to 310.12.

AUTHORITY: §§ 310.1 to 310.12 issued under 36 Stat. 1353, 50 Stat. 621, 54 Stat. 1236, 55 Stat. 247, 55 Stat. 607; 34 U. S. C. 1121–1123e, E. O. 9083, Mar. 2, 1942, E. O. 9198, July 11, 1942, 3 CFR Cum. Supp.; 60 Stat. 501.

§ 310.1 *Definitions.* For the purposes of §§ 310.1 to 310.12:

(a) "Commission" means the United States Maritime Commission.

(b) "Chairman" means the Chairman, United States Maritime Commission.

(c) "Chief" means the Chief of the Bureau of Maritime Services, United States Maritime Commission.

(d) "Bureau of Maritime Services" means the Bureau of Maritime Services, United States Maritime Commission.

(e) "Superintendent" means the Superintendent of the State Maritime Academy and "Commanding Officer" means the Commanding Officer of the training ship.

(f) "Officers" means all officers and instructors connected with the State Maritime Academy or the training ship, except part time civilian instructors.

(g) "Maritime Service" means the United States Maritime Service.

(h) "Supervisor" means the Supervisor of State Maritime Academies, Bureau of Maritime Services, United States Maritime Commission.

§ 310.2 *Federal aid and finances*—(a) *Annual grant and loan of training vessel.* An annual grant of $50,000.00 if funds therefor are appropriated by the Congress, and such additional sums as the Congress may authorize and appropriate, will be paid to each of the State Maritime Academies and to such others as may be authorized by law and approved by the Commission, and the Commission will furnish to each such school a training vessel as provided by statute and § 310.4, subject to the following terms and conditions:

(1) Such school shall under appropriate authority agree to conform to such minimum standards in regard to students' entrance requirements, the staff of instructors, and courses of and facilities for training, as the Commission shall approve (including §§ 310.1 to 310.12).

(2) The state shall appropriate and spend each year for the purpose of maintaining such school, an amount not less than that received from the Federal Government for such year for the same purpose.

(3) The Federal grant shall be spent in the operation of the training vessel and in the maintenance and operation of a shore base.

(4) The Superintendent and the finance officer of the State Maritime Academy shall be responsible for financial matters pertaining to the academy and to the training ship; they shall be bonded in accordance with requirements established by the state.

(5) Each such academy, as a condition to receiving any portion of such monetary aid in excess of $25,000, shall agree under appropriate authority to and shall admit students resident in other states who meet such academy's eligibility requirements and who are approved for such admission by the Commission: *Provided,* That;

(i) No academy shall be compelled to accept out-of-state students if the full quota can be obtained within the state.

(ii) The number of students so admitted from other states shall not exceed one-third of the total student capacity of such academy.

(iii) The per capita cost of such students shall be paid out of the Federal funds provided for in this section and shall be computed annually. To determine this cost, the total number of state cadets will be divided into the total operating expense, less the grant. Vouchers, Standard Form 1034, will be submitted monthly covering the per capita cost of cadets at the academy, accompanied with a list of the cadets who have been nominated.

For example: Assuming that the per capita cost for cadets is $650.00 and 20 cadets were nominated from out-of-state to an academy, the voucher submitted would be:

1/12 of $650.00 equals $54.17 per cadet, $54.17×20 cadets equals $1,083.40, $1,083.40 being the amount for which the voucher is submitted.

The above voucher would then be made out monthly and submitted to the Supervisor for the duration of the cadets' training. If the per capita cost of the cadets is $650.00 no more than 38 cadets can be assigned by the Bureau of Maritime Services, to any one academy. Also if 38 candidates were nominated to any academy, no more candidates could be approved by the Bureau of Maritime Services until these men had graduated from that academy.

§ 310.3 *Schools and courses*—(a) *State Maritime Academies operating with Federal aid.* The following State Maritime Academies are operated with Federal aid and subject to §§ 310.1 to 310.12:

California Maritime Academy.
Maine Maritime Academy.
Massachusetts Maritime Academy.
New York State Maritime Academy.

(b) *General rules for operation of academies.* (1) The State Maritime Academies shall maintain adequate berthing, messing, and classroom instruction facilities ashore.

(2) To insure economical and efficient operation, the maximum number of cadets a State Maritime Academy may enroll in the Maritime Service for payment as provided in § 310.8, shall be determined by the Chief.

(3) Rules and regulations for the internal organization and administration of each State Maritime Academy will be determined under the direction of the state authority. Wherever possible, such rules and regulations shall follow those prescribed by the Commission for the administration of the Federal academies.

(4) The Commission shall have the right to inspect shore base facilities at all reasonable times.

(5) Records pertaining to the academy, its officers, instructors, crew cadets, the training ship, and shore base shall be maintained by each academy and shall be available to the Chief upon request. A detailed daily log of absences, with or without leave, hospitalizations, disenrollments and other analogous data shall be kept by each academy. A copy of these daily logs shall be furnished to the finance officer and the Supervisor.

(6) Communications from the State Maritime Academies to other executive or administrative government agencies concerning the policies of the Commission shall be forwarded through the Supervisor. Communications concerning Naval administration shall be forwarded through official Naval channels via the Chief.

(c) *Curriculum.* For all classes enrolled after July 1, 1946, the minimum period of training shall be three years, at least six months of which must be aboard a training vessel in a cruise status. The period of training may be extended by the several State Maritime Academies.

The state authorities shall prescribe and be responsible for the courses of instruction and general system of training subject to approval by the Chief and with the addition of such courses as may be prescribed by Federal authorities.

(d) *Board of visitors.* It is recommended that a board of visitors, acting in an advisory capacity only and meeting at least once a year, be appointed by the state for its academy. It should be composed of at least eight members including the following:

One from the shipping industry;
One from the shipbuilding or ship repair industry;
One from the alumni of the academy;
One merchant marine master mariner possessing an active license;
One merchant marine chief engineer possessing an active license;
One officer of the United States Navy, active or retired, designated by the Commandant of the Naval District in which the Academy is located;
One from the State Board of Education or other State department, bureau, or
One representative of the Commission designated by the Chairman.

§ 310.4 *Training ship.* The Commission will loan a training vessel, if such is available, to each of the State Maritime Academies. If such a vessel is not available, adequate cruising facilities will be arranged if possible. The loan of the training ship shall be subject to the following terms and conditions:

(a) *General provisions.* (1) The state shall exercise due diligence to safeguard the interests of the Commission and avoid loss and damage of every nature. The Superintendent, or in his absence, the Commanding Officer of the training ship, or in the absence of both, the next senior deck officer shall be responsible for the training ship and all Federal and state property aboard.

(2) Log books and reports shall be submitted as directed by the Chief.

(3) Detailed reports shall be forwarded promptly to the Supervisor in the event of accident causing damage to the training ship, equipment or machinery, or damage inflicted by the training ship to any other ship or property.

(4) The Chief shall determine whether or not the berth of the training ship at the base in its home port is satisfactory from the standpoint of safety. When the ship is not on a cruise, the Commanding Officer shall keep the Supervisor informed of the location of the vessel and of any contemplated change of berth.

(5) The following notice shall be posted conspicuously on board a training ship on loan to the state:

This training ship is the property of the United States of America. It is loaned to the State of _____ by the United States Maritime Commission for the purpose of training young men to become officers in the Merchant Marine of the United States. Neither the State, the Commanding Officer, nor any other person has any right, power, or authority to create, incur, or permit to be imposed upon this vessel, any lien whatever.

(6) No structural changes shall be made to the training ship, her machinery, or boilers without the written approval of the Commission.

(7) Upon termination of the loan of a training ship, the state shall return, in the state base port, the vessel and all property whatsoever owned by the Commission. Title to all additions, replacements, and renewals made by the State shall be in the Commission without charge therefor.

(b) *Termination of loan.* The Commission may terminate the loan of a vessel:

(1) By substituting another vessel therefor.

(2) If the vessel is required for other purposes, in which case the Commission as soon as practicable, will return the vessel or provide another to the academy.

(3) If she is not operated to the satisfaction of the Commission, and after due notice thereof, state authorities fail to remedy conditions complained of.

(c) *Property aboard ship.* The state shall have the use of all equipment, appliances, apparel, spare and replacement parts on board a training ship, subject to the following terms and conditions:

(1) The same or their substantial equivalent shall be returned to the Commission, ordinary wear and tear, unavoidable accident, and perils of the sea excepted, and any such items otherwise lost or destroyed shall be replaced at the expense of the state.

(2) Commission property shall not be permanently removed from the training ship to shore base without the written approval of the Chief.

(3) The Commission shall take inventories of state and Federal property on board the vessel at such times as it deems necessary after consultation with the academy authorities. A representative of the state shall be present when such inventories are being taken. The academy shall furnish such assistance as may be necessary for this purpose.

(d) *Condition surveys.* Before a vessel is released to a State Maritime Academy and is manned by state officers under state control, a condition survey will be made by duly authorized representatives of the academy and the Commission. If the vessel is found in order, the State Maritime Academy representative shall receipt for the ship. Subsequently, after due notice to the state authorities, a con-

dition survey may be made of the ship whenever deemed advisable by the Commission, and, in any event, upon redelivery of the vessel by the state to the Commission.

(e) *Maintenance, repairs, and operating expenses*—(1) *To be borne by the Commission.* Expenses for repairs to the vessel, changes, and alterations, repairs to equipage, and replacements of equipage in accordance with Commission approved allowance lists of the vessel, will be borne by the Commission under the following terms and conditions:

(i) Except for emergencies or while the vessel is on foreign cruise, repairs shall not be made without the prior written approval thereof by the Chief.

(ii) When it is necessary to repair or dry dock the training ship because of damage or other reasons (except in an emergency, when the vessel is on foreign cruise, or for annual overhaul), the Commanding Officer shall notify the Supervisor sufficiently in advance thereof to enable a representative of the Bureau of Maritime Services to be present, and, when it is anticipated or it is determined that major spare parts will be or are required, shall promptly so advise the Supervisor.

(iii) To further training and for the purpose of reducing expenses, repairs which need not be carried out during the annual overhaul period shall be made by the cadets under the supervision of the ship's officers. When material is needed or has been ordered by the state, the Commanding Officer shall forward to the Supervisor a list of such material and estimated costs, and a description of the repairs to be carried out by the cadets. The Supervisor shall promptly advise the Commanding Officer whether or not such work comes under the heading of repairs.

(iv) Requisitions covering repairs, renewals, and betterments shall be prepared in quintuplicate by the heads of departments of the training ship and submitted by the Commanding Officer to the Supervisor at least thirty days before the date of the annual overhaul.

(v) The state is authorized to expend not to exceed $5,000.00 for repairs which become necessary while the vessel is on foreign cruise and will be reimbursed by the Commission therefor upon submission of vouchers to and approval thereof by the Chief after termination of such cruise. To be so reimbursed for repairs estimated to cost in excess of $5,000.00, authority must be obtained by the state from the Supervisor prior to undertaking such repairs.

(2) *To be borne by the State.* Except as otherwise provided in this section, the State shall, at its own expense,

(i) Keep the training ship and its machinery, boilers, appurtenances, equipment, and spare parts in good order and condition, and shall keep her clean and painted to the satisfaction of the Chief with the exception of such items approved by the Chief as repairs.

(ii) Cause the training ship to be fumigated at least twice a year if required by the Chief and shall forward to the Supervisor, after each such fumigation, a copy of the fumigation certificate.

(iii) Pay for all consumable stores, fresh water, fuel, and costs incidental to the operation of the training ship, such payment of operating expenses being subject to approval by the Commanding Officer of the State Maritime Academy.

(f) *Cruises.* The cruise itinerary of the training ship, including a listing of foreign ports to be visited must have the approval of the supervisor and shall be submitted to him by the Commanding Officer at least sixty days in advance of the date such cruise is scheduled to begin. While on cruise the Commanding Officer shall advise the Supervisor by dispatch of the date of arrival at each port visited and of the date of departure if the latter is at variance with the approved itinerary. Permission for the training ship to visit the U. S. Naval stations or Naval bases shall be arranged by the Commanding Officer.

§ 310.5 *Personnel*—(a) *Superintendent and Commanding Officer.* The Superintendent of a State Maritime Academy and the Commanding Officer of the training ship shall be nominated by the State and approved by the Chairman of the Commission after consultation with the Navy Department. They shall be either:

(1) Officers of the United States Navy, Naval Reserve, or Maritime Service, active or retired, or

(2) State Maritime Academy graduates with wide experience as masters of vessels no less in size than the one used as a training ship and shall be officers of the United States Navy or Naval Reserve, active or retired.

The transcript of service of the nominee and such other documents as may be prescribed must be submitted to the Chief for approval before his nomination by the State.

If for any good and sufficient reason, following due investigation and hearing, the Commission is dissatisfied with the Superintendent or the Commanding Officer, it will request his discharge by the State.

(b) *Officers and instructors.* Officers and instructors shall be considered for qualities of practical experience and training in their specialties, their ability to impart their knowledge to students, and their personality, including ability to deal with young men without friction; they shall be nominated by the State and shall be satisfactory to the Chief.

Special qualifications for the following training ship officers are:

(1) *Radio operators.* Radio operators shall hold active licenses issued by the Federal Communications Commission.

(2) *Watch officers.* Watch officers shall be qualified line Naval officers, Naval Reserve officers, or licensed officers of the merchant marine.

(3) *Chief engineer.* The Chief engineer shall possess an active unlimited license as chief engineer of steam and motor vessels, or be an experienced engineer officer of the United States Navy or Naval Reserve, or shall have had experience, as a licensed engineer officer in the merchant marine or in a State Maritime Academy training ship and must be satisfactory to the Chief.

(c) *Insignia for officers and instructors.* The insignia for officers and instructors other than officers of the United States Navy, Naval Reserve, Maritime Service and part-time instructors shall be the seal or shield of the state. All officers of the United States Navy or Naval Reserve in inactive status are authorized to wear Merchant Marine Reserve insignia as prescribed by the Bureau of Naval Personnel, or of the Maritime service as prescribed by the Commission.

(d) *Pay and allowances for officers and instructors.* The Commission recommends that the minimum pay and allowances for officers and instructors at the State Maritime Academies shall not be less than those for officers and instructors at comparable State institutions, with due allowance for the fact that State Maritime Academy personnel are on a full time basis instead of a nine months' basis.

(e) *Training ship crew.* Members of the crew of a training ship shall be citizens of the United States, shall take an oath or affirmation of allegiance to the United States, and shall submit to fingerprinting.

§ 310.6 *Entrance standards.* (a) A candidate for admission to a State Maritime Academy must be a male citizen of the United States and must qualify in all respects for appointment as a Midshipman, Merchant Marine Reserve, United States Naval Reserve, and be appointed as such. *Provided, however,* A waiver of physical qualifications under this requirement will be made by the Chief of the Bureau of Maritime Services provided that the physical examination for appointment in the Merchant Marine Reserve, United States Naval Reserve, has been taken before admission and that any defects noted are not such as to disqualify him physically for a license in the Merchant Marine in accordance with the regulations prescribed by the U. S. Coast Guard: *And provided further,* That annual physical examinations by a Navy examiner are made thereafter, when in the opinion of the Navy examiner such defects are remedial to endeavor to qualify the cadet for appointment in the Naval Reserve and that such cadet shall accept appointment in the Naval Reserve as soon as and if he can qualify. He must be of robust constitution, physically sound and of good moral character, not less than seventeen years of age and not yet twenty-three years of age: *Provided,* That, within this range, each state may fix its upper age limit for cadets appointed by the State: *Provided further,* That in any case, if the candidate is a veteran honorably discharged or if he served in the merchant marine for not less than one year during World War II, the upper age limit is extended four years so that such candidate shall be not yet twenty-seven years of age.

(b) A candidate must be unmarried.

(c) A candidate must be a graduate of an accredited secondary school or possess secondary school requirements determined by the Supervisor to be satisfactory; he must have at least two and one-half years of mathematics that meets college entrance requirements for a B. S. degree, at least three years of English, and adequate training in science including at least one year of physics.

(d) Admission to the academy will be granted on the basis of the candidate's ability to satisfy the requirements established by the academy as indicated by such criteria as the individual's secondary school grades, rank in graduating class, intelligence as measured by an objective examination, character, personality, and qualities of leadership.

§ 310.7 *Enrollment.* A candidate, upon acceptance, will be enrolled in the Maritime Service and in the United States Naval Reserve, as a Midshipman, Merchant Marine Reserve (inactive) if qualified, and after approval by the Navy, will wear the insignia and be entitled to all the rights and privileges of the Naval Reserve and will wear the seal or shield of the State. Upon enrollment, he shall be required to take an oath or affirmation of allegiance to the United States of America, and submit to finger-printing. A copy of the oath or affirmation of allegiance and a copy of the finger-prints shall be furnished to the Chief.

§ 310.8 *Scholarship subsidy, subsistence and charges.* (a) Each cadet, on and after his appointment in the Merchant Marine Reserve, United States Naval Reserve and assignment to a State Maritime Academy will be paid a scholarship subsidy of $65.00 per month plus a subsistence allowance of 75¢ per day. The subsistence allowance is to be paid, at the discretion of duly constituted State Maritime Academy authorities, either directly to the cadet concerned or to the State Maritime Academy upon presentation of a statement to the Supervisor which statement shall be prepared and submitted at the end of each month and shall contain the names of the cadets for whom subsistence has been furnished during that month. No cadet will be paid or subsisted when absent without leave for a condition not in line of duty.

§ 310.9 *Leave.* Leave with pay from the Government for cadets, the specific periods of which shall be at the discretion of the Superintendents, shall be as follows:

(a) If transferred to a hospital, or sick at home, or in the sick bay, not to exceed four months.

(b) For any emergency due to the serious illness, injury, or death of a very near relative, not to exceed seven days.

(c) Annual leave not to exceed 30 days.

(d) Leave with pay, in addition to that provided in paragraphs (a), (b), and (c) of this section, may be granted only if approved by the Supervisor upon direct request therefor by the Superintendent.

§ 310.10 *Medical attention and injury claims*—(a) *Medical attention and hospitalization for cadets.* Cadets shall receive medical attention and Public Health Service hospitalization. A medical officer shall be attached to the State Maritime Academy and one to the training ship at all times when cadets are in attendance.

(b) *Compensation claims of cadets.* Compensation claims for personal injuries or death sustained by a cadet enrolled in the Maritime Service and appointed a Midshipman, Merchant Marine Reserve, United States Naval Reserve in performance of duty shall be forwarded to the Supervisor for transmission to the Bureau of Employees' Compensation.

(c) *Medical care and compensation for personnel.* Officers, instructors, and crew members may avail themselves of any medical facilities furnished by the state or Federal Government. During illness or while recovering from injury, officers and instructors who are not on the Federal pay roll, shall receive pay and allowances as authorized by the state. The Superintendent, Commanding Officer, officers, and instructors, left in other than the vessel's home port by reason of illness or injury while on the training ship, shall be furnished suitable transportation to the home port unless contrary to State law.

§ 310.11 *Discipline and dismissal.* (a) The Superintendent is authorized to place any cadet on a non-pay basis for disciplinary reasons, not to exceed a maximum of thirty days.

(b) In the event it is determined that a cadet was married at the time of admission to the academy or if he marries while in attendance at the academy he shall be dismissed.

(c) In the event a cadet is dismissed from a State Maritime Academy for disciplinary reasons, the Superintendent may deny payment to such cadet of all earnings due and unpaid such cadet at the time of dismissal.

§ 310.12 *Scope and effect of §§ 310.1 to 310.12.* (a) If any provisions of §§ 310.1 to 310.12 are in conflict with laws and regulations of the State, the appropriate state authorities shall notify the Chief in writing of such conflict and pertinent circumstances.

(b) The Chief may, after consultation with the appropriate state authorities issue instructions supplementing §§ 310.1 to 310.12.

(c) Effective February 1, 1949, §§ 310.1 to 310.12, supersede all previous regulations for State Maritime Academies.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

OCTOBER 13, 1949.

[F. R. Doc. 49-8461; Filed, Oct. 19, 1949; 9:21 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9370]

PART 34—UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH CARRIERS

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of October 1949;

The Commission having under consideration the matter of amendment of Part 34 of its rules and regulations, relating to the Uniform System of Accounts for Radiotelegraph Carriers and also having under consideration its notice of proposed rule making adopted herein on July 6, 1949, and published in the FEDERAL REGISTER on July 16, 1949 (14 F. R. 4011) in accordance with section 4 (a) of the Administrative Procedure Act;

It appearing, that the period in which interested persons were afforded an opportunity to submit comments expired on September 6, 1949; and that comments were filed by interested carriers, none of which opposed the adoption of the proposed amendment, but some of which suggested certain modifications therein; and

It further appearing, that such modifications in the proposed amendment may be adopted without sacrifice of any information in the accounts that may be required in the exercise of the Commission's regulatory functions and that such modifications have been incorporated in the amendment set forth below; and

It further appearing, that under section 220 (g) of the Communications Act of 1934, as amended, notice of alterations by the Commission in the required manner or form of keeping accounts shall be given by the Commission at least six months before the same are to take effect;

It is ordered, That effective May 1, 1950, Part 34 of the Commission's rules and regulations is amended as set forth below: *Provided, however,* That any carrier may adopt the modified accounting procedure set forth in such amendment with respect to the entire calendar year 1950.

(Sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i). Applies 220, 48 Stat. 1078; 47 U. S. C. 220)

Released: October 14, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 34.02–1 by adding new definitions as follows:

"Domestic message revenue" means revenue from the "transmission" of messages between points within the area comprising the "Continental United States," Alaska, Canada, Saint Pierre-Miquelon, and Mexico. It includes revenue from both "fixed transmission" and "mobile transmission" of messages within such area.

"Transoceanic message revenue" means revenue from the "transmission" of messages between points outside the area comprising the "Continental United States," Alaska, Canada, Saint Pierre-Miquelon, and Mexico, and between such points and points designated as gateway points (or "Continental terminus"). It includes revenue from both "foreign transmission" and "insular transmission" of messages between such points.

2. Amend § 34.02–1 by revising the definition of "Continental United States" by the deletion therefrom of the term "the Territory of Alaska" so that the definition will read as follows:

"Continental United States" means the several States of the United States and the District of Columbia.

3. Amend § 34.02–1 by deleting from the definition of "Insular communication," the words "the Philippine Islands and", and by deleting from the definition of "United States," the words "the Philippine Islands or.".

4. Amend § 34.31–99 to read as follows:

§ 34.31–99 *Contemplated form of operating-revenue statement.* (See § 34.03–9.)

Account No. (a)	Particulars (b)	Amount of revenue for the year (c)
	Domestic message revenue	
3110	Public message revenue	$----
3115	U. S. government message revenue	------
3120	Other governments message revenue	------
3125	Press message revenue	------
3160	Domestic transmission of transoceanic and marine messages	------
3199	Other message revenue	------
	Total	------
	Transoceanic message revenue	
3210	Public message revenue	------
3215	U. S. government message revenue	------
3220	Other governments message revenue	------
3225	Press message revenue	------
3230	Other commuted-rate message revenue	------
3299	Other message revenue	------
	Total	------
	Marine message revenue	
3310	Public message revenue	------
3315	U. S. government message revenue	------
3320	Other governments message revenue	------
3325	Press message revenue	------
3330	Other commuted-rate message revenue	------
3370	Ship station revenue	------
3399	Other message revenue	------
	Total	------
	Other transmission revenue	
3705	Scheduled transmission service revenue	------
3725	Broadcast-program service revenue	------
3735	News (CND) service revenue	------
3745	Facsimile or photogram service revenue	------
3755	Telephone service revenue	------
3799	Miscellaneous transmission service revenue	------
	Total	------
	Total transmission revenue	------
	Nontransmission revenue	
3805	Revenue from furnishing and servicing stations	------
3810	Leased-circuit revenue	------
3820	Other leased-plant revenue	------
3825	Money-order fees	------
3899	Miscellaneous nontransmission revenue	------
	Total	------
	Other telecommunication revenue	
3910	Telephone revenue—Telephone systems	------
3928	Wire-telegraph and ocean-cable revenue—Wire systems	------
	Total operating revenue	------

5. Delete §§ 34.3113 to 34.3928, inclusive, and substitute therefor the following new sections:

§ 34.3100 *Domestic message revenue.* (a) This account, when maintained under the option provided in § 34.03–5 (a), shall include the carrier's portion of revenue from the transmission of messages between points in the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico.

(b) When maintained, this account shall include, also, the carrier's portion of revenue from the transmission of transoceanic and marine messages in so far as such transmission is performed within the area comprising the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico. (See particularly § 34.3160.)

(c) This account shall be cleared on a monthly basis prior to entries herein for any succeeding month.

§ 34.3110 *Public message revenue.* This account shall include the carrier's portion of revenue from the transmission within the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, of messages at effective rates available to the general public.

§ 34.3115 *U. S. Government message revenue.* This account shall include the carrier's portion of revenue from the transmission within the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, of messages at effective rates available to the United States Government.

§ 34.3120 *Other governments message revenue.* This account shall include the carrier's portion of revenue from the transmission within the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, of messages at effective rates available to governments other than the United States Government.

§ 34.3125 *Press message revenue.* This account shall include the carrier's portion of revenue from the transmission within the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, of messages at effective rates available to organizations engaged in publication of the substance of such messages.

§ 34.3160 *Domestic transmission of transoceanic and marine messages.* This account shall include the carrier's portion of revenue from the transmission of (a) transoceanic messages between gateway points and points within the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, and (b) marine messages between land stations and points within the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico.

§ 34.3199 *Other message revenue.* This account shall include the carrier's portion of revenue from the transmission within the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, of messages at effective rates available to persons or organizations other than those provided for in §§ 34.3110 to 34.3160.

§ 34.3200 *Transoceanic message revenue.* (a) This account, when maintained under the option provided in § 34.03–5 (a), shall include the carrier's portion of revenue from the transmission of messages (other than marine messages) between points outside the area comprising the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, and between such points and points designated as gateway points in the continental United States. (See § 34.3160.)

(b) This account shall be cleared on a monthly basis prior to entries herein for any succeeding month.

§ 34.3210 *Public message revenue.* This account shall include the carrier's portion of revenue from the transmission between gateway points and points outside the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, of messages (other than marine messages) at effective rates available to the general public.

§ 34.3215 *U. S. Government message revenue.* This account shall include the carrier's portion of revenue from the transmission between gateway points and points outside the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, of messages (other than marine messages) at effective rates available to the United States Government.

§ 34.3220 *Other governments message revenue.* This account shall include the carrier's portion of revenue from the transmission between gateway points and points outside the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, of messages (other than marine messages) at effective rates available to governments other than the United States Government.

§ 34.3225 *Press message revenue.* This account shall include the carrier's portion of revenue from the transmission between gateway points and points outside the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, of messages (other than marine messages) at effective rates available to organizations engaged in publication of the substance of such messages. (See particularly § 34.3705; see also § 34.3735.)

§ 34.3230 *Other commuted-rate message revenue.* This account shall include the carrier's portion of revenue from the transmission between gateway points and points outside the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, of messages (other than marine messages) at effective rates available to persons or organizations other than those provided for in §§ 34.3210 to 34.3225.

§ 34.3299 *Other message revenue.* This account shall include, in a separate subdivision hereof, the carrier's portion of revenue from the transmission of messages (other than marine messages) between points outside the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico (i. e., messages that do not originate or terminate at, or transit through points within such area).

§ 34.3300 *Marine message revenue.* (a) This account, when maintained under the option provided in § 34.03–5 (a), shall include the carrier's portion of revenue from the transmission of messages between ship stations and land stations, including the revenue applicable to the land station. (See § 34.3160.)

(b) This account shall be cleared on a monthly basis prior to entries herein for any succeeding month.

§ 34.3310 *Public message revenue.* This account shall include the carrier's portion of revenue from the land station transmission of messages at effective rates available to the general public.

§ 34.3315 *U. S. Government message revenue.* This account shall include the carrier's portion of revenue from the land station transmission of messages at effective rates available to the United States Government.

§ 34.3320 *Other governments message revenue.* This account shall include the carrier's portion of revenue from the land station transmission of messages at effective rates available to governments other than the United States Government.

§ 34.3325 *Press message revenue.* This account shall include the carrier's portion of revenue from the land station transmission of messages at effective rates available to organizations engaged in publication of the substance of such messages. (See particularly § 34.3705; see also § 34.3735.)

§ 34.3330 *Other commuted-rate message revenue.* This account shall include the carrier's portion of revenue from the land station transmission of messages other than those provided for in §§ 34.3310 to 34.3325.

§ 34.3370 *Ship station revenue.* This account shall include the carrier's portion of revenue from the ship station transmission of messages.

§ 34.3399 *Other message revenue.* This account shall include the carrier's portion of revenue from the transmission of marine messages not provided for elsewhere.

§ 34.3700 *Other transmission revenue.* (a) This account, when maintained under the option provided in § 34.03–5 (a) shall include the carrier's portion of revenue from transmission services other than filed messages.

(b) This account shall be cleared on a monthly basis prior to entries herein for any succeeding month.

§ 34.3705 *Scheduled transmission service revenue.* This account shall include the carrier's portion of revenue from furnishing transmission facilities during specified periods, either with or without operators, to provide for direct communication by customers, for purposes other than broadcast-program or telephone transmission. (See also §§ 34.3725, 34.3755, and 34.3810.)

§ 34.3725 *Broadcast-program service revenue.* This account shall include the carrier's portion of revenue from the furnishing of services or facilities utilized in (a) broadcast-program transmission and (b) activities incidentally associated therewith.

§ 34.3735 *News (CND) service revenue.* This account shall include the carrier's portion of revenue from furnishing customers with reports of activities such as stock market transactions, sports events, etc., when such reports are prepared and disseminated by the carrier. This includes periodic charges for the facilities used in such dissemination such as tickers, projectors, etc.

§ 34.3745 *Facsimile or photogram service revenue.* This account shall include the carrier's portion of revenue from the transmission of any matter involving the use of facsimile or other reproducing equipment.

§ 34.3755 *Telephone service revenue.* This account shall include the carrier's portion of revenue from telephone operations when such operations involve the use of plant primarily devoted to radiotelegraph service. (See also § 34.03–8 and account 3910, "Telephone revenue—Telephone systems.")

§ 34.3799 *Miscellaneous transmission service revenue.* This account shall include the carrier's portion of revenue from transmission services not provided for elsewhere.

§ 34.3800 *Nontransmission revenue.* (a) This account, when maintained under the option provided in § 34.03–5 (a), shall include the carrier's portion of revenue from communication operations other than transmission.

(b) This account shall be cleared on a monthly basis prior to entries herein for any succeeding month.

§ 34.3805 *Revenue from furnishing and servicing stations.* (a) This account shall include the carrier's portion of periodic charges for equipment furnished radiotelegraph stations and revenue from installing, maintaining, inspecting, and servicing equipment, auditing and adjusting traffic accounts, and other similar services not connected with the transmission of messages or with merchandising, jobbing, or contract work rendered to radiotelegraph stations.

(b) This account shall be subdivided as follows:

3805:01 Fixed and land stations.
3805:02 Ship stations.
3805:03 Other mobile stations.

(c) The records supporting the entries in this account shall be so maintained as to show separately the amounts applicable to the following sources of revenue:

(1) Installation subsequent to initial installation.
(2) Servicing.
(3) Rentals.
(4) Clerical and administrative services.
(5) General service agreements not specifying the amounts applicable to the foregoing sources.

NOTE: Rental from plant comprising complete operating systems or operating units where the lessee has exclusive possession shall be included in account 5010, "Income from operated plant leased to others." (See also § 34.30–3.)

§ 34.3810 *Leased-circuit revenue.* This account shall include the carrier's portion of revenue from the use by others of circuits, channels, wires, cables, and similar facilities for direct communication by customers, when the charge therefor is based on contractual rent agreements providing for definite periodic terms without regard to the extent of service obtained by the users of such facilities. (See also § 34.3705.)

NOTE A: Income from plant includible in account 1100, "Operated plant leased to others" (as distinguished from revenue includible in this account), shall be included in account 5010, "Income from operated plant leased to others."

NOTE B: When the charges for facilities furnished for direct communication by customers is based on the extent of services obtained by the users, such as telemeter service, the revenue shall be included in account 3705, "Scheduled transmission service revenue."

§ 34.3820 *Other leased-plant revenue.* This account shall include the carrier's portion of revenue from the use by others of leased operated plant not provided for elsewhere. (See also § 34.30–3 and account 3805, "Revenue from furnishing and servicing stations.")

§ 34.3825 *Money-order fees.* This account shall include the carrier's portion of revenue from charges for money-order service as distinguished from revenue messages incidental to such service.

NOTE: Revenue from money-order messages, as distinguished from the fees includible in this account, shall be included in the appropriate message-revenue account. (See §§ 34.3110 to 34.3399.)

§ 34.3899 *Miscellaneous nontransmission revenue.* This account shall include the carrier's portion of revenue from nontransmission services not provided for elsewhere, such as revenue from frequency measuring, code registration, and errand service.

§ 34.3910 *Telephone revenue—Telephone systems.* This account shall include the carrier's revenue from the operation of telephone systems as provided in § 34.03–8. (See also account 3755, "Telephone service revenue.")

§ 34.3928 *Wire-telegraph and ocean-cable revenue—Wire systems.* This account shall include the carrier's revenue from the operation of wire-telegraph and ocean-cable systems as provided in § 34.03–8.

6. Make the following editorial changes in Part 34 (Uniform System of Accounts for Radiotelegraph Carriers) of the Commission's rules and regulations:

In § 34.03–8 (b), in the eighth line, change the account number "3918" to "3910".

In § 34.03–8 (c), in the tenth line, change the account number "3648" to "3755".

In § 34.03–13, delete the last sentence of this section.

In § 34.05–1, in the last sentence, change the account number "3810" to "3805".

In § 34.30–3, in the fourth line of the Note following this section, change the account numbers "3818" to "3805" and "3848" to "3820".

In § 34.5115 in the fourth line of Note A following this section, change the account number "3818" to "3805".

[F. R. Doc. 49–8459; Filed, Oct. 19, 1949; 8:59 a. m.]

[Docket No. 9406]

PART 35—UNIFORM SYSTEM OF ACCOUNTS FOR WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 14th day of October 1949;

The Commission having under consideration the matter of amendment of Part 35 of its rules and regulations, relating to the Uniform System of Accounts for Wire-telegraph and Ocean-cable Carriers and also having under consideration its notice of proposed rule making adopted herein on July 27, 1949, and published in the FEDERAL REGISTER on August 5, 1949 (14 F. R. 4860) in accordance with section 4 (a) of the Administrative Procedure Act;

It appearing, that the period in which interested persons were afforded an opportunity to submit comments expired on September 6, 1949; and that comments were filed by interested carriers, containing various recommendations as follows:

(1) That the proposed changes be deferred because of the present trend of revenues and the present need for economy, (2) that the proposed account 3120, "Other governments message revenue" be deleted and the amounts of such revenue from domestic service continue to be included in account 3110, "Public message revenue", (3) that separate primary accounts be prescribed for two subdivisions of proposed account 3299, "Other message revenue", and (4) that the proposed instructions be modified to permit clearance of account 3100, "Domestic message revenue", to accounts 3110 to 3125, inclusive, on basis of estimates;

It further appearing, that the objection to adoption of the proposed amendment at this time may be removed and the suggestions for modifications may be incorporated therein, without sacrificing any information in the accounts that may be required in the exercise of the Commission's regulatory functions, by modifying the proposed amendment as follows:

(a) In lieu of the proposed accounts for domestic-message revenue, retain the presently prescribed accounts for wire-telegraph revenues;

(b) Insert a new account numbered 3230 and captioned "Other commuted-rate revenue," under the group heading, "Transoceanic message revenue";

It further appearing, that under section 220 (g) of the Communications Act of 1934, as amended, notice of alterations by the Commission in the required manner or form of keeping accounts shall be given by the Commission at least six months before the same are to take effect;

It is ordered, That effective May 1, 1950, Part 35 of the Commission's rules and regulations is amended as set forth below: *Provided, however*, That any carrier may adopt the modified accounting procedure set forth in such amendment with respect to the entire calendar year 1950.

(Sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i). Applies 220, 48 Stat. 1078; 47 U. S. C. 220)

Released: October 14, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 35.02–1 by adding new definitions as follows:

"Domestic message revenue" means revenue from the "transmission" of messages between points within the area comprising the "Continental United States," Alaska, Canada, Saint Pierre-Miquelon, and Mexico.

"Transoceanic message revenue" means revenue from the "transmission" of messages between points outside the area comprising the "Continental United States," Alaska, Canada, Saint Pierre-Miquelon, and Mexico, and between such points and points designated as gateway points (or "Continental terminus," for radiotelegraph communications, as defined in Part 34 of this title).

2. Amend § 35.02–1 by revising the definition of "Continental United States" by the deletion therefrom of the term "the territory of Alaska" so that the definition will read as follows:

"Continental United States" means the several States of the United States and the District of Columbia.

3. Amend § 35.02–1 by deleting from the definition of "Insular communication," the words "the Philippine Islands and", and by deleting from the definition of "United States," the words "the Phillipine Islands or."

4. Delete §§ 35.31–5 and 35.31–6, and add the following new section:

§ 35.31–5 *Subdivisions of operating-revenue accounts.* Carriers furnishing both wire-telegraph and ocean-cable services shall maintain separate accounts for the operating revenues applicable to each such service.

5. Amend § 35.31–99 to read as follows:

§ 35.31–99 *Contemplated form of operating-revenue statement.* (See § 35.03–9.)

Account No. (a)	Particulars (b)	Amount of revenue for the year (c)
	WIRE-TELEGRAPH OPERATING REVENUE	
	Wire-telegraph transmission revenues	
3110	Public message revenue	$----
3115	U. S. government message revenue	------
3125	Press message revenue	------
3130	Money-order message revenue	------
3135	News (CND) service revenue	------
3140	Contract (CAK) message revenue	------
3145	Facsimile or photogram service revenue	------
3155	Telephone service revenue	------
3160	Wire-telegraph revenue on cable and radio messages	------
3199	Other wire-telegraph transmission revenues	------
	Total wire-telegraph transmission revenues	------
	Terminal commission revenues	
3350	Terminal commissions	------
	WIRE-TELEGRAPH OPERATING REVENUE—Continued	
	Wire-telegraph nontransmission revenues	
3410	Leased-circuit revenue	$----
3415	Measured-service revenue	------
3420	Other leased-plant revenue	------
3425	Code-registration revenue	------
3430	Errand-service revenue	------
3435	Money-order charges	------
3440	Time-service revenue	------
3499	Other wire-telegraph nontransmission revenues	------
	Total wire-telegraph nontransmission revenues	------
	Total wire-telegraph operating revenue	------
	OCEAN-CABLE OPERATING REVENUE	
	Transoceanic message revenue	
3210	Public message revenue	------
3215	U. S. Government message revenue	------
3220	Other governments message revenue	------
3225	Press message revenue	------
3230	Other commuted-rate revenue	------
3299	Other message revenue	------
	Total	------
	Other transmission revenue	
3705	Scheduled transmission service revenue	------
3725	Broadcast-program service revenue	------
3735	News (CND) service revenue	------
3745	Facsimile or photogram service revenue	------
3755	Telephone service revenue	------
3799	Miscellaneous transmission service revenue	------
	Total	------
	Total transmission revenue	------
	Nontransmission revenue	
3810	Leased-circuit revenue	------
3820	Other leased-plant revenue	------
3835	Money-order fees	------
3899	Miscellaneous nontransmission revenue	------
	Total	------
	Total ocean-cable operating revenue	------
	Other telecommunication revenue	
3910	Telephone revenue—Telephone systems	------
3925	Radiotelegraph revenue—Radiotelegraph systems	------
	Total	------
	Total operating revenue	------

6. Delete §§ 35.3210 to 35.3299, inclusive and §§ 35.3510 to 35.3599, inclusive, and insert the following new sections:

§ 35.3200 *Transoceanic message revenue.* (a) This account, when maintained under the option provided in § 35.03–5 (a) shall include the carrier's portion of revenue from the transmission of messages (other than marine messages) between points outside the area comprising the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, and between such points and points designated as gateway points in the continental United States. (See § 35.3160.)

(b) This account shall be cleared on a monthly basis prior to entries herein for any succeeding month.

§ 35.3210 *Public message revenue.* This account shall include the carrier's portion of revenue from the transmission between gateway points and points outside the continental United States, Alaska, Canada, Saint Pierre-Miquelon,

and Mexico, of messages (other than marine messages) at effective rates available to the general public.

§ 35.3215 *U. S. Government message revenue.* This account shall include the carrier's portion of revenue from the transmission between gateway points and points outside the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, of messages (other than marine messages) at effective rates available to the United States Government.

§ 35.3220 *Other governments message revenue.* This account shall include the carrier's portion of revenue from the transmission between gateway points and points outside the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, of messages (other than marine messages) at effective rates available to governments other than the United States Government.

§ 35.3225 *Press message revenue.* This account shall include the carrier's portion of revenue from the transmission between gateway points and points outside the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, of messages (other than marine messages) at effective rates available to organization engaged in publication of the substance of such messages. (See particularly § 35.3705; see also § 35.3735.)

§ 35.3230 *Other commuted-rate revenue.* This account shall include the carrier's portion of revenue from the transmission between gateway points and points outside the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, of messages (other than marine messages) at effective rates available to persons or organizations other than those provided for in §§ 35.3210 to 35.3225.

§ 35.3299 *Other message revenue.* This account shall include the carrier's portion of revenue from the transmission of messages (other than marine messages) between points outside the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico (i. e., messages that do not originate or terminate at, or transit through, points within such area).

§ 35.3700 *Other transmission revenue.* (a) This account, when maintained under the option provided in § 35.03–5 (a), shall include the carrier's portion of revenue from transmission services other than filed messages.

(b) This account shall be cleared on a monthly basis prior to entries for any succeeding month.

§ 35.3705 *Scheduled transmission service revenue.* This account shall include the carrier's portion of revenue from furnishing transmission facilities during specified periods, either with or without operators, to provide for direct communication by customers, for purposes other than broadcast-program or telephone transmission. This includes measured-service revenue (such as telemeter service, contract timed service, radioprinter service, etc.). (See also §§ 35.3725, 35.3755, and 35.3810.)

§ 35.3725 *Broadcast-program service revenue.* This account shall include the carrier's portion of revenue from the furnishing of services or facilities utilized in (a) broadcast-program transmission and (b) activities incidentally associated therewith.

§ 35.3735 *News (CND) service revenue.* This account shall include the carrier's portion of revenue from furnishing customers with reports of activities such as stock market transactions, sports events, etc., when such reports are prepared and disseminated by the carrier. This includes periodic charges for the facilities used in such dissemination such as tickers, projectors, etc.

§ 35.3745 *Facsimile or photogram service revenue.* This account shall include the carrier's portion of revenue from the transmission of any matter involving the use of facsimile or other reproducing equipment.

§ 35.3755 *Telephone service revenue.* This account shall include the carrier's portion of revenue from telephone operations when such operations involve the use of plant primarily devoted to telegraph service. (See also § 35.03–8 and account 3910, "Telephone revenue—Telephone systems.")

§ 35.3799 *Miscellaneous transmission service revenue.* This account shall include the carrier's portion of revenue from transmission services not provided for elsewhere.

§ 35.3800 *Nontransmission revenue.* (a) This account, when maintained under the option provided in § 35.03–5 (a), shall include the carrier's portion of revenue from communication operations other than transmission.

(b) This account shall be cleared on a monthly basis prior to entries for any succeeding month.

§ 35.3810 *Leased-circuit revenue.* This account shall include the carrier's portion of revenue from the use by others of circuits, channels, wires, cables, and similar facilities for direct communication by customers, when the charge therefor is based on contractual rent agreements providing for definite periodic terms without regard to the extent of service obtained by the users of such facilities. (See also § 35.3705.)

NOTE A: Income from plant includible in account 1100, "operated plant leased to others" (as distinguished from revenue includible in this account), shall be included account 5010, "Income from operated plant leased to others."

NOTE B: When the charges for facilities furnished for direct communication by customers is based on the extent of services obtained by the users, such as telemeter service, the revenue shall be included in account 3705, "Scheduled transmission service revenue."

§ 35.3820 *Other leased-plant revenue.* This account shall include the carrier's portion of revenue from the use by others of leased operated plant not provided for elsewhere. (See also § 35.30–3.)

§ 35.3835 *Money-order fees.* This account shall include the carrier's portion of revenue from charges for money-order service as distinguished from revenue messages incidental to such service.

NOTE: Revenue from money-order messages, as distinguished from the fees includible in this account, shall be included in the appropriate message-revenue account. (See §§ 35.3210 to 35.3299.)

§ 35.3899 *Miscellaneous nontransmission revenue.* This account shall include the carrier's portion of revenue from nontransmission services not provided for elsewhere, such as revenue from code registration, errand service, and time service.

7. Redesignate § 35.3610 as § 35.3910, and § 35.3625 as § 35.3925.

8. Make the following editorial changes in Part 35 (Uniform System of Accounts for Wire-telegraph and Ocean-cable Carriers), edition revised to August 1, 1947:

In § 35.03–8 (b), in line eleven, change account number "3610" to "3910".

In § 35.03–8 (b), in line twelve, change account number "3625" to "3925".

In § 35.03–8 (c), in line sixteen, change account number "3255" to "3755".

In § 35.05–1, delete account "3500 Ocean-cable nontransmission revenues" and substitute the following:

3800 Nontransmission revenue.—This account shall include the carrier's portion of revenue from communication operations other than transmission. It shall include all the operating revenue includible by class A carriers in accounts 3810 to 3899, inclusive.

In § 35.30–3, in line six of the Note following paragraph (a) of this section, change the reference "35.3410 to 35.3599" to "35.3410 to 35.3499, and 35.3810 to 35.3899."

[F. R. Doc. 49–8460; Filed, Oct. 19, 1949; 9:00 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 988]

[Docket No. AO–195 A–1]

HANDLING OF MILK IN KNOXVILLE, TENN., MILK MARKETING AREA

PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Courthouse, Knoxville, Tennessee, beginning at 9:00 a. m., e. s. t., October 25, 1949, for the purpose of receiving evidence with respect to a proposed amendment hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the Knoxville, Tennessee, milk marketing area (7 CFR, Part 988; 14 F. R. 3832). This proposed amendment has not received the approval of the Secretary of Agriculture.

An amendment to the Order (No. 88) for the Knoxville, Tennessee, milk marketing area has been proposed as follows:

By Knoxville Milk Producers' Association:

Amend § 988.5 (b) (1) by deleting the words "*Provided*, That for the delivery periods of August through November 1949 the price for Class I milk shall not be less than $5.40 per hundredweight" and substituting the following "*Provided*, That for the delivery periods of December 1949 through March 1950 the price for Class I milk shall be $5.40 per hundredweight."

It has been represented that an emergency exists in the market with respect to this proposal. Accordingly, this hearing has been called for the purpose of receiving evidence with respect to the economic and emergency conditions which relate to the Class I price for the limited period proposed herein.

Copies of this notice of hearing and of the tentative marketing agreement and the order now in effect may be procured from the Market Administrator, Room 205, Flatiron Building, 903 Broadway, Knoxville, Tennessee, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: October 17, 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49–8444; Filed, Oct. 19, 1949; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 25]

PARACHUTE RIGGER CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau has under consideration a revision of Part 25 as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received within 30 days from the date of this publication will be considered by the Board before taking further action on the proposed rule.

Currently effective Part 25 provides for the issuance of parachute technician certificates to persons meeting the prescribed qualifications for the performance of duties as parachute rigger, senior parachute rigger, and master of parachute maintenance. The part further provides for the issuance of parachute jumper and parachute instructor ratings in addition to specifying the privileges and limitations of all such certificates and ratings.

The proposed revision providing for the issuance of a parachute rigger certificate and a master parachute rigger certificate with appropriate parachute type ratings simplifies the requirements for the issuance of such certificates and ratings and clarifies the privileges and limitations of such certificates. The following are the types of parachutes for which ratings would be issued: Seat, back, chest, chair (canopy in back), chair (canopy in seat), and special purpose.

This proposal further provides that all parachute technician certificates issued prior to the effective date of this proposed part shall expire on January 1, 1951, and that each holder thereof shall surrender such certificate to the Administrator who shall issue a new certificate in accordance with the provisions of this proposal. It is believed that all such holders will be able to qualify for such new certificates and ratings and that no such person will be denied a parachute rigger certificate merely because the requirements for the issuance thereof have been clarified and restated.

It will be noted that this proposal does not provide for the issuance of parachute jumper or parachute instructor ratings and that all such ratings in effect on the date of adoption of this part shall expire on January 1, 1951. With regard to parachute jumper ratings we do not consider it necessary in the interest of safety to require parachute jumpers to be certificated, nor is the Board required under the Civil Aeronautics Act of 1938, as amended, to establish standards for the certification of such individuals. The privilege of instructing others in the proper methods and procedures of constructing, maintaining, repairing, inspecting, and using parachutes is included among those granted the holder of a master parachute rigger certificate.

This proposal further provides for the issuance of a parachute rigger certificate to an individual who has obtained part or all of the required knowledge, skill, and experience while a member or civilian employee of the armed forces of the United States. Unlike the current military competency provision such knowledge, skill, and experience may be obtained while a member of the reserve forces of the United States, and application for a certificate on the basis of military competency may be made either during the time the applicant is a member of such reserve forces or within 12 months from the date of his honorary discharge therefrom.

It will be further noted that certain of the proposed definitions vary from those currently contained in Part 54. Any conflict which may exist in this regard at the time of adoption of proposed Part 25 will be resolved by appropriate amendments of Part 54.

It is therefore proposed to revise Part 25 of the Civil Air Regulations, as amended, to read as follows:

PART 25—PARACHUTE RIGGER CERTIFICATES

§ 25.0 *Applicability of part.* This part establishes the certification and the general operating rules for the packing, repair, and alteration of parachutes. No individual shall pack, repair, or alter a parachute in the United States or for use on United States registered aircraft without an appropriate certificate and rating issued in accordance with the provisions of this part, except as provided in § 25.8.

DEFINITIONS

§ 25.1 *Definitions.* (a) As used in this part the words listed below shall be defined as follows:

(1) *Alteration.* Alteration shall mean any change in the design of a parachute.

(2) *Certificated parachute rigger.* A certificated parachute rigger shall mean an individual holding a parachute rigger certificate with appropriate ratings issued by the Administrator.

(3) *Maintenance.* Maintenance shall mean the upkeep and preservation of parachutes, including the component parts thereof.

(4) *Major repair.* Major repair shall mean a repair which might have an effect on the structural, functional, or handling characteristics of a parachute.

(5) *Minor repair.* Minor repair shall mean a repair other than a major repair.

(6) *Manufacturer.* Manufacturer shall mean any individual, firm, partnership, company, association, or joint stock association, including any trustee, as-

signee or other similar representative thereof, which

(i) Holds a type or production certificate for a parachute, or

(ii) Manufactures a certificated parachute or a component thereof.

(7) *Parachute.* A parachute shall mean a contrivance, including its component parts, designed to retard the descent of a falling body or object through the air.

(8) *Repair.* Repair shall mean the restoration of a parachute to a condition for safe use after damage or deterioration.

(9) *To pack.* To pack shall mean to arrange a parachute in its container for use.

CERTIFICATION RULES

§ 25.5 *Application for certificate.* Application for certificates and ratings shall be made on a form and in a manner prescribed by the Administrator.

§ 25.6 *Issuance.* (a) A parachute rigger certificate with appropriate ratings shall be issued by the Administrator to an applicant meeting the requirements of this part.

(b) A temporary parachute rigger certificate with appropriate ratings may be issued by the Administrator to an applicant meeting the requirements of this part, subject to the terms and conditions specified thereon by the Administrator.

§ 25.7 *Duration.* (a) A parachute rigger certificate with appropriate ratings shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board, after which it shall be returned to the Administrator.

(b) A temporary parachute rigger certificate with appropriate ratings shall remain in effect for a 90-day period.

§ 25.8 *Exchange of certificates.* All parachute technician certificates and special ratings issued prior to the effective date of this part shall expire on January 1, 1951. Each holder of a parachute technician certificate shall, on or before January 1, 1951, surrender such certificate to the Administrator who shall issue a new certificate with appropriate ratings in accordance with the provisions of this part.

§ 25.9 *Display.* A parachute rigger shall have in his personal possession at all times while exercising the privileges of such certificate a parachute rigger certificate with appropriate ratings, and shall show the certificate to any authorized representative of the Board or the Administrator upon request.

§ 25.10 *Change of address.* Within 30 days after any change in the permanent mailing address of a certificated parachute rigger, he shall notify the Administrator in writing of his new address. Such notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 25.21 *Citizenship.* An applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal parachute rigger privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 25.22 *Age.* An applicant shall be at least 18 years of age.

§ 25.23 *Education.* An applicant shall be able to read, write, speak, and understand the English language.

§ 25.24 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate. The passing grade for all oral and written examinations shall be at least 70 percent. The practical examination shall be accomplished to the satisfaction of the authorized representative of the Administrator.

§ 25.25 *Reexamination after failure.* An applicant for a parachute rigger certificate or rating who has failed any prescribed written or practical examination or test may not apply for reexamination within a 30-day period, unless he presents a sworn statement by a certificated parachute rigger, or an individual in charge of a military parachute organization that he has received an additional 5 hours of instruction in the failed portion of the examination or test and that he is believed to be competent to pass the examination or test.

§ 25.26 *Type ratings.* The following type ratings shall be issued:

(a) Seat.
(b) Back.
(c) Chest.
(d) Chair (canopy in seat).
(e) Chair (canopy in back).
(f) Special purpose.

§ 25.27 *Rating competency.* An applicant for a type rating shall have packed at least 20 parachutes of the type for which the rating is sought, and demonstrate to an authorized representative of the Administrator competency in the packing, maintenance, repair, and inspection of such type.

§ 25.28 *Substantiation of experience.* An applicant shall present to the Administrator satisfactory evidence to substantiate the experience qualifications for the parachute rigger certificate or rating applied for.

QUALIFICATIONS FOR A PARACHUTE RIGGER CERTIFICATE

§ 25.40 *General.* An applicant for a parachute rigger certificate shall meet the following experience, knowledge, and skill requirements.

§ 25.41 *Experience.* An applicant for a parachute rigger certificate with appropriate ratings shall have packed satisfactorily at least 20 parachutes of each type for which a rating is sought, in accordance with the manufacturer's packing instructions, and under the supervision of a certificated parachute rigger with a rating for such type or an individual holding an appropriate military rating

§ 25.42 *Knowledge.* An applicant shall successfully accomplish an oral, written, and practical examination on the construction, packing, maintenance, repair, inspection, and use of, and the manufacturer's instructions with respect to, at least one type of parachute in common civilian use, and the provisions of this part.

§ 25.43 *Skill.* An applicant shall demonstrate to an authorized representative of the Administrator that he has the ability to pack, maintain, inspect, and repair at least one type of parachute in common civilian use.

§ 25.44 *Privileges.* A certificated parachute rigger may:

(a) Pack, maintain, and perform minor repairs on any type of parachute for which he is rated, and

(b) Make major repairs and alterations on parachutes for which he is rated only when properly supervised by a certificated master parachute rigger holding a rating for such type.

§ 25.45 *Military competence.* The Administrator may issue a parachute rigger certificate and appropriate ratings to an applicant who successfully accomplishes a written examination on the provisions of this part and presents reliable documentary evidence showing:

(a) That he is a member of the regular or reserve armed forces of the United States; or that he is a civilian employee of the regular armed forces of the United States; or that he is a United States citizen and is either a member or civilian employee of the regular armed forces of a foreign government; or that he has been honorably discharged or released from such status within 12 months preceding the date of application; and

(b) That he is serving or has served in such organization or organizations as a parachute rigger; and that he meets the experience and knowledge requirements of this part for the issuance of an appropriate parachute rigger certificate.

QUALIFICATIONS FOR A MASTER PARACHUTE RIGGER CERTIFICATE

§ 25.60 *General.* An applicant for a master parachute rigger certificate shall meet the following experience, knowledge, and skill requirements.

§ 25.61 *Experience.* An applicant for a master parachute rigger certificate shall:

(a) Have served at least 2 years as a certificated parachute rigger; and

(b) Have packed satisfactorily not less than 100 parachutes of each of two types in common civilian use.

§ 25.62 *Knowledge.* An applicant shall successfully accomplish an oral and practical test covering the construction, inspection, packing, maintenance, repair, use of, and the manufacturer's instructions with respect to, at least two different types of parachutes in common civilian use.

§ 25.63 *Skill.* An applicant shall demonstrate to an authorized representative of the Administrator that he has the ability to pack, maintain, inspect, and repair at least two types of parachutes in common civilian use and has the ability to supervise others in the accomplishment of such operations.

§ 25.64 *Privileges.* A certificated master parachute rigger may:

(a) Maintain, pack, inspect, repair, and alter any type of parachute for which he holds a rating; and

(b) Instruct other individuals in the proper methods and procedures of constructing, packing, maintaining, and using parachutes.

OPERATING RULES

§ 25.80 *General.* Each certificated parachute rigger shall comply with the following provisions in exercising the privileges of his certificate.

§ 25.81 *Facilities and equipment.* A certificated parachute rigger shall have available the following minimum facilities and equipment:

(a) A smooth-top table measuring at least 3 feet by 40 feet,

(b) A compartment where parachutes may be suspended for drying and airing,

(c) Sufficient packing tools and other equipment to pack, maintain, and repair the type of parachute being serviced, and

(d) Adequate housing facilities for the proper performance of the duties of a parachute rigger and for the protection of tools and equipment.

§ 25.82 *Performance standards.* No certificated parachute rigger shall:

(a) Pack or perform any maintenance, repair, or alteration on any type of parachute unless rated for such type;

(b) Pack any parachute which is not in a safe condition for emergency use;

(c) Pack any parachute unless such parachute has been thoroughly dried and aired and is packed in accordance with the manufacturer's instructions, except that such rigger may pack a parachute used exclusively by him for exhibition jumps or testing without compliance with this paragraph;

(d) Make any alteration not specifically authorized by the manufacturer or the Administrator, or in any way deviate from the procedures approved by the manufacturer or Administrator for the maintenance, repair, alteration, or packing of parachutes.

§ 25.83 *Seal.* Each certificated parachute rigger shall have a seal bearing an individual identifying mark assigned by the Administrator and a seal press available for use. When packing or repacking any parachute, the certificated parachute rigger shall seal each pack with his individual seal in accordance with the manufacturer's recommendations for the particular type of parachute.

§ 25.84 *Required records*—(a) *Operation record.* Each certificated parachute rigger shall keep a bound record of all packing, inspection, maintenance, repair, and alteration operations performed or supervised by him on parachutes other than military parachutes. This record shall contain the type and make of parachute, its serial number, the name and address of its owner, the kind and extent of the operation performed, the date and place where performed, and the results of any drop test made. Where major repairs and alterations are performed, each certificated parachute rigger shall execute such major repair and alteration forms as may be prescribed and furnished by the Administrator and shall deliver a copy of such form to the owner of the parachute and the Administrator. These records shall be retained for at least two years after the date of the last entry therein.

(b) *Parachute packing record.* Each certificated parachute rigger packing a parachute other than a military parachute shall enter on the parachute packing record attached to the parachute the date and place of such packing or repacking and a notation of any defects found upon inspection. The rigger shall sign such record and enter thereon the number of his parachute rigger certificate.

§ 25.85 *Recent experience requirements.* No certificated parachute rigger shall exercise the privileges of his parachute rigger certificate unless he is familiar with the current manufacturers' instructions pertinent to the particular operation, and

(a) Has performed the duties of a parachute rigger under the terms of his certificate and ratings for at least 90 days within the preceding 12-month period, or

(b) Has demonstrated to an authorized representative of the Administrator that he is competent to perform the duties of a parachute rigger under the terms of his certificate and ratings.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 601–610; 52 Stat. 984, 1007–1012; 62 Stat. 1216; 49 U. S. C. 425 (a), 551–560; act of July 1, 1948)

Dated: October 14, 1949.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 49-8442; Filed, Oct. 19, 1949; 8:55 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transfer Order 40, Amdt. 1]

ORDER TRANSFERRING FROM DEPARTMENT OF THE ARMY TO DEPARTMENT OF THE AIR FORCE CERTAIN FUNCTIONS, POWERS, AND DUTIES CONTAINED IN VARIOUS STATUTES AND EXECUTIVE ORDERS

Pursuant to the authority vested in me by the National Security Act of 1947 (act of July 26, 1947; Pub. Law 253, 80th Cong.), as amended (act of August 10, 1949; Pub. Law 216, 81st Cong.), paragraph 4d of Transfer Order 40 (JAAF Bul. 20, 1949) is amended to read as follows:

d. Paragraph 1 of Transfer Order 23 (JAAF Bul. 39, 1948) is amended by adding at the end thereof the following, effective as of 12:00 noon, July 25, 1949:

In exercising the functions, powers and duties so transferred, the Secretary of the Air Force and the Department of the Air Force and such board or boards for the correction of military records as may be established therein shall have jurisdiction and authority to review and determine all cases within the contemplation of said section 207 which involve personnel of the United States Air Force or personnel who, at the time of their separation from the service, or at the time of the court-martial sentence pursuant to which they were discharged from the service, were members of the Aviation Section, Signal Corps, United States Army; the Air Service, United States Army; the Air Corps, United States Army; the Army Air Forces; or the United States Air Force: *Provided, however,* That cases involving Army personnel of other Arms and Services who, at the time of their separation from the service were assigned to duty with the Army Air Forces or the United States Air Force shall be excluded from such jurisdiction and authority of the Secretary of the Air Force and Department of the Air Force and such Air Force board or boards for the correction of military records.

LOUIS JOHNSON,
Secretary of Defense.

OCTOBER 12, 1949.

[F. R. Doc. 49-8407; Filed, Oct. 19, 1949; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-201]

ACCIDENT AT CHEYENNE, WYO.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-59485, which occurred at Cheyenne, Wyoming, October 9, 1949.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, October 27, 1949, at 9:00 a. m. (m. s. t.) in the Chamber of Commerce Bldg., 122 East 17th St., Cheyenne, Wyoming.

Dated at Washington, D. C., October 12, 1949.

[SEAL] VAN R. O'BRIEN,
Presiding Officer.

[F. R. Doc. 49-8416; Filed, Oct. 19, 1949; 8:49 a. m.]

[Docket No. 3589 et al.]

PAN AMERICAN AIRWAYS, INC. AND AMERICAN OVERSEAS AIRLINES, INC.; NORTH ATLANTIC ROUTE TRANSFER CASE

NOTICE OF FURTHER HEARING

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that the record in the above-entitled proceeding is hereby reopened so as to receive therein the amendment to the agreement between Pan American Airways, Inc., and American Overseas Airlines, Inc., dated September 13, 1949, and the amendment to the agreement between Pan American Airways, Inc., and American Airlines, Inc., dated September 13, 1949, and that further hearing in the reopened proceeding, limited to the issues raised by the Amendments, is hereby assigned to be held on October 26, 1949, at 10 a. m. (e. s. t.), in conference Room C, Departmental Auditorium, between 12th and 14th Streets, Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

For further details of the Amendments, interested parties are referred to the Supplemental Agreement on file with the Civil Aeronautics Board.

Dated at Washington, D. C., October 14, 1949.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-8443; Filed, Oct. 19, 1949; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORE SPACE RESTORATION NO. 435

OCTOBER 13, 1949.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR, 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

T. 12 N., R. 4 W., Seward Meridian:
Sec. 9: Lot 3 (Homestead Entry of Maxwell W. Clark, Anchorage 012012).
T. 18 N., R. 4 W.:
Sec. 3: Lots 3, 4, 5 (Homestead Entry of John H. Hale, Anchorage 012201).
T. 13 N., R. 4 W.:
Sec. 2: Lot 1.
Sec. 3: Lot 1.
T. 14 N., R. 4 W.:
Sec. 34: SE¼SE¼.
Sec. 35: Lot 4 (Homestead Entry of Silas J. Sparks, Anchorage 012997).
A tract of land located on the shore of Chip Cove in Moser Bay, identified as U. S. Survey No. 2371, containing 9.89 acres (Soldiers Additional Homestead of Far North Packing Company, Anchorage 011796).

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 49-8404; Filed, Oct. 19, 1949; 8:47 a. m.]

[Misc. No. 50508]

CALIFORNIA

RESTORATION ORDER NO. 1287 UNDER FEDERAL POWER ACT

OCTOBER 13, 1949.

Pursuant to the following listed determinations of the Federal Power Commission, and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands in California hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby restored to location, entry, or selection as hereinafter indicated, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, 15 U. S. C. 818), as amended, and subject to the stipulation that, if the lands are needed for power development, any structures or improvements located thereon will be removed or relocated without expense to the United States, its licensees or permittees:

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
			Mount Diablo Meridian
DA-688	Federal Power Project No. 247, effective Sept. 13, 1921.	For mining purposes only.	T. 34 N., R. 8 W., sec. 10, S½SW¼SW¼, containing 20 acres.

The above-described land is within the Trinity National Forest.

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
			Mount Diablo Meridian
DA-693	Power Site Reserve No. 448 of Aug. 13, 1914, by Interpretation No. 90 of Jan. 6, 1927.	Under the applicable public-land laws.	T. 15 S., R. 36 E., sec. 29, lot 4 (NE¼SE¼), containing 42.47 acres

The above-described land is reserved by the act of March 4, 1931 (46 Stat. 1530), withdrawing public lands for the protection of the watershed supplying water to the City of Los Angeles and other cities in California, and for other purposes.

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
			Mount Diablo Meridian
DA-694	Power Site Reserve No. 268 of Apr. 29, 1912, and Federal Power Project No. 307, effective May 16, 1922.	Under the applicable public land laws.	T. 11 N., R. 10 E., sec. 18, lot 3, containing 37.96 acres.

The above-described land is included in a first form reclamation withdrawal, dated September 14, 1942, in connection with American River Investigations.

Effective on the date of publication of this order in the FEDERAL REGISTER, the public lands affected by this order shall be subject to application by the State of California for rights of way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act as amended by the act of May 24, 1948, 62 Stat. 275.

This order shall not otherwise affect the status of the lands until the ninety-first day after the publication of this order in the FEDERAL REGISTER.

ROSCOE E. BELL,
Associate Director.

[F. R. Doc. 49-8406; Filed, Oct. 19, 1949; 8:48 a. m.]

[Misc. 51000]

CALIFORNIA, COLORADO, OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM FEDERAL POWER PROJECTS AND POWER SITE CLASSIFICATION

OCTOBER 13, 1949.

The following orders having vacated or canceled the hereinafter-listed withdrawals for power purposes, the public lands within the following-described areas are hereby restored to disposition under the applicable public land laws, subject to valid existing rights and the provisions of existing withdrawals:

Order of the Federal Power Commission dated January 25, 1949, vacating the withdrawal of March 1, 1930, for Federal Power Project No. 1073, which reserved the following-described lands:

CALIFORNIA

MOUNT DIABLO MERIDIAN

T. 8 N., R. 16 E.,
Sec. 8, E½SE¼;
Sec. 9, SW¼NW¼ and W½SW¼;
Sec. 16, NE¼NW¼ and SW¼NW¼;
Sec. 17, N½NE¼, S½NW¼, NW¼SW¼, S½SW¼, NE¼SE¼, and SW¼SE¼;
Sec. 18, lots 2, 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 19, N½NE¼ and NE¼NW¼;
Sec. 20, W½NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 28, SW¼SW¼;
Sec. 29, NW¼NE¼, S½NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, W½NW¼.

The areas described aggregate approximately 1,875 acres of public land.

The above-described lands are within the Tahoe National Forest and portions are included in the reservation for the Lower Bear River Reservoir or subject to the right of way for a tunnel and penstock reserved, effective September 9, 1948, in Federal Power Project No. 137.

Order of the Federal Power Commission dated March 1, 1949, DA-283, Colorado, vacating the withdrawal of April 8, 1921, for Federal Power Project No. 163, as to the following-described lands:

COLORADO

SIXTH PRINCIPAL MERIDIAN

T. 8 S., R. 83 W.,
Sec. 21, S½SE¼;
Sec. 27, SW¼NW¼ and E½SW¼;
Sec. 28, NE¼NE¼;
Sec. 34, NE¼NW¼, NW¼NE¼, S½NE¼, and N½SE¼.

The areas described aggregate 480 acres of public land.

The above-described lands are within the White River National Forest, and 14 acres in the NE¼NE¼ sec. 28 are included in a withdrawal for the Norrie Ranger Station.

Power Site Cancellation No. 97, signed by the Acting Director, Geological Survey, on September 7, 1949, cancelling Power Site Classification No. 150, approved July 19, 1926, so far as it affected the following-described lands:

OREGON

WILLAMETTE MERIDIAN

T. 21 S., R. 3 E.,
Sec. 15, W½SW¼.

The area described contains 77.50 acres of public land and 2.50 acres of private land.

The above-described lands are within the Willamette National Forest.

Effective on the date of publication of this order in the FEDERAL REGISTER, the public lands affected by this order, except the lands in California reserved for Federal Power Project No. 137, shall be subject to application by the States of California, Colorado and Oregon, respectively, for rights of way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act as amended by the act of May 24, 1948, 62 Stat. 275.

This order shall not otherwise affect the status of the lands until the ninety-first day after the publication of this order in the FEDERAL REGISTER.

Inquiries concerning these lands should be addressed to the District Land Offices at Sacramento, California, Denver, Colorado, or Portland, Oregon.

ROSCOE E. BELL,
Associate Director.

[F. R. Doc. 49-8405; Filed, Oct. 19, 1949; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6235]

IOWA ELECTRIC CO.

ORDER FIXING DATE OF HEARING

OCTOBER 13, 1949.

Iowa Electric Company (Applicant), a corporation having its principal business office at Cedar Rapids, Iowa, filed its application on September 6, 1949, pursuant to section 204 of the Federal Power Act for an order authorizing the issuance of $1,250,000 principal amount of First Mortgage Bonds, 3⅜%, Series B, due 1974.

Applicant proposes to issue $1,250,000 principal amount of First Mortgage Bonds, 3⅜%, Series B, to be dated as of September 1, 1949, and to mature on September 1, 1974, and to sell the bonds to Massachusetts Mutual Life Insurance Company at a price of 101% of the principal amount plus accrued interest from September 1, 1949.

From a preliminary examination of the application, it appears that:

(a) Applicant, a corporation, has been held to be a public utility within the meaning of section 204 of the Federal Power Act; subject to the jurisdiction of the Commission, in the Commission's order dated November 10, 1948, "In the Matter of Iowa Electric Company," Docket No. E-6167, without prejudice to reconsideration of that question.

(b) The proposed issuance of bonds may be an issuance of securities within the purview of section 204 of the Federal Power Act.

(c) A further showing is appropriate to enable the Commission to reconsider and to determine whether (i) Iowa Electric Company is a "public utility" within the meaning of the act and subject to the requirements of section 204 (a) of the act; (ii) if so, whether such issue is for some lawful object, within the corporate purposes of the Applicant and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the Applicant of service as a public utility and which will not impair its ability to perform that service, and is reasonably necessary or appropriate for such purposes.

The Commission orders:

(A) A public hearing be held commencing on the 3d day of November 1949, at 10:00 a. m. in Civil Service Room No. 3, U. S. Post Office and Court House Building, Cedar Rapids, Iowa, concerning the matters involved and the issues presented in the above-entitled matter.

(B) At such hearing the issues referred to in paragraph (c) (i) above shall be heard first.

Date of issuance: October 14, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-8403; Filed, Oct. 19, 1949; 8:47 a. m.]

[Docket No. G-663]

CENTRAL KENTUCKY NATURAL GAS CO. AND CINCINNATI GAS TRANSPORTATION CO.

NOTICE OF ORDER TERMINATING PROCEEDING

OCTOBER 14, 1949.

Notice is hereby given that, on October 13, 1949, the Federal Power Commission issued its order entered October 12, 1949, terminating proceeding in the above-designated matter relative to suspension of rate schedules filed by Cincinnati Gas Transportation Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-8398; Filed, Oct. 19, 1949; 8:46 a. m.]

[Project No. 1301]

CLIFF MULLEN

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (MINOR)

OCTOBER 14, 1949.

Notice is hereby given that, on October 13, 1949, the Federal Power Commission issued its order entered October 11, 1949, accepting surrender of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-8399; Filed, Oct. 19, 1949; 8:46 a. m.]

[Project No. 1720]

BLACK RIVER ELECTRIC COOPERATIVE

NOTICE OF DETERMINATION OF AMOUNT OF ANNUAL CHARGES

OCTOBER 14, 1949.

Notice is hereby given that, on October 13, 1949, the Federal Power Commission issued its order entered October 11, 1949, determining the amount of annual charges in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-8400; Filed, Oct. 19, 1949; 8:47 a. m.]

[Project No. 1975]

IDAHO POWER CO.

NOTICE OF ORDER SUPERSEDING ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR)

OCTOBER 14, 1949.

Notice is hereby given that, on October 13, 1949, the Federal Power Commission issued its order entered October 13, 1949, superseding order dated March 2, 1948, published in the FEDERAL REGISTER on March 10, 1948 (13 F. R. 1292), authorizing issuance of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-8401; Filed, Oct. 19, 1949; 8:47 a. m.]

[Project No. 1981]

OCONTO ELECTRIC COOPERATIVE

NOTICE OF ORDER AMENDING ORDER OF JUNE 29, 1948

OCTOBER 14, 1949.

Notice is hereby given that, on October 13, 1949, the Federal Power Commission issued its order entered October 11, 1949, amending order of June 29, 1948, published in the FEDERAL REGISTER on July 7, 1948 (13 F. R. 3768), authorizing issuance of a license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-8402; Filed, Oct. 19, 1949; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

BROWNING AND CO. AND JOHN F. BROWNING

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of October A. D. 1949.

In the matter of Browning and Company, 1127 Union Trust Building, Cincinnati, Ohio, and John F. Browning.

This is a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of Browning and Company should be revoked for alleged willful violations by registrant and John F. Browning, its president, of the antifraud provisions of that act and the Securities Act of 1933, and, if an order of revocation is entered, whether Browning may be deemed a "cause" of such order.

Respondents filed an answer to the order for proceedings in which they waived opportunity for hearing and admitted the existence of the "facts and cause of action" set forth in the order. Registrant also consented to the entry of an order revoking its registration as a broker and dealer, and Browning admitted that he is a cause of any order of revocation which we might enter.

The admitted facts recited in the order are that, during a period of almost six years, respondents, in violation of the trust and confidence registrant had secured and contrary to the best interests of the customer, induced a customer to engage in excessive securities transactions and to purchase securities in which respondents had an adverse interest not disclosed to the customer; effective securities transactions for a customer on the representation that the price to the customer bore a reasonable relationship to the prevailing market price when the price to the customer did not bear such relationship and the prevailing market price was not disclosed to the customer; solicited a customer to sell certain securities on the representation that a specified small profit or commission would be charged when in fact respondents secretly took profits in excess of the amount specified; and used the mails and instrumentalities of interstate commerce in the course of these transactions.

Under the circumstances, we find that respondents willfully violated section 17 (a) of the Securities Act, section 10 (b) of the Securities Exchange Act and Rule X-10B-5 thereunder, and that registrant also violated section 15 (c) (1) of the Securities Exchange Act and Rule X-15C1-2 (a) and (b) thereunder. We find that it is in the public interest to revoke the registration as a broker and dealer of registrant, and we further find that Browning is a cause of such revocation.

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act, that the registration of Browning and Company be and it hereby is revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-8412; Filed, Oct. 19, 1949; 8:52 a. m.]

[File Nos. 54-127, 59-3, 59-12, 70-1806]

ELECTRIC BOND AND SHARE CO. ET AL.

NOTICE OF FILING, NOTICE OF REINSTITUTION OF HEARINGS, AND ORDER OF CONSOLIDATION AND FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 14th day of October A. D. 1949.

In the matters of Electric Bond and Share Company, File No. 54-127; Electric Bond and Share Company, et al., File No. 59-12; Electric Bond and Share Company, et al., File No. 59-3; Electric Bond and Share Company, File No. 70-1806.

I. Notice is hereby given that on September 6, 1949, Electric Bond and Share Company ("Bond and Share"), a registered holding company filed an application with the Commission pursuant to the Public Utility Holding Company Act of 1935, and designated section 11 (e) thereof applicable to said application and the accompanying document entitled "Amended Plan III of Electric Bond and Share Company under section 11 (e) of the Public Utility Holding Company Act of 1935" (hereinafter referred to as the "application"). The said application sets forth a proposed program for Bond and Share which is summarized below.

II. On February 28, 1940, the Commission issued its order directing that a hearing be held pursuant to section 11 (b) (1) of the act with respect to Bond and Share and its subsidiary companies (File No. 59-3), and on May 9, 1940, the Commission issued its notice of and order for hearing directed to Electric Bond and Share Company and certain of its subsidiaries, ordering a hearing for the purpose of determining inter alia "whether it is necessary to discontinue the existence of, or modify the corporate structure of, or redistribute the voting power among security holders of said Electric Bond and Share or any of the other respondents" (File No. 59-12). By subsequent order dated June 7, 1940, the Commission specified that the hearings should be confined initially to questions relating to the continued existence of certain holding company subsidiaries of Bond and Share.

On August 23, 1941, the Commission issued its order directing the dissolution of National Power & Light Company ("National"), and on August 22, 1942, issued its order directing the dissolution of Electric Power & Light Corporation ("Electric"), and American Power & Light Company ("American"), all subholding companies in the Bond and Share holding company system, the Commission reserving jurisdiction over certain issues, including, among others, the question of the action necessary to be taken by Bond and Share to bring it into compliance with the act (File No. 59-12).

As a result of proceedings designed to effectuate compliance with section 11 (b) of the act and the Commission's order of dissolution thereunder, National has disposed of substantially all of its holdings except for the common stock of a transportation company and a small generating company. A plan of reorganization for Electric was approved by the Commission on March 7, 1949, whereby, among other things, Electric was dissolved, and a new holding company, Middle South Utilities, Inc. ("Middle South") was organized, and the stocks of Middle South and of United Gas Corporation ("United") were distributed to the holders of Electric's securities. On October 4, 1949, the Commission approved a plan of reorganization of American whereby, among other things, the common stocks of that company's subsidiaries and new common stock of American will be distributed to the holders of American's securities.

III. Bond and Share's present capitalization consists of 5,250,358 shares of common stock owned by over 50,000 stockholders. There are also outstanding $12,000,000 of bank loans due February 25, 1951. Bond and Share retired its preferred stocks by the payment of $100 per share to the holders thereof pursuant to orders of the Commission, reserving the question of what, if any, amount in addition shall be paid in full satisfaction of the claims of the preferred stockholders. That matter is presently pending before the Commission.

As of September 6, 1949, the date of filing of the instant application Bond and Share had net current assets of approximately $9,661,000 and owned the following securities:

Name of corporation	Type of security	Number of shares or principal amount	Percent of total	Percent of total voting power
American & Foreign Power Co., Inc.	3 percent notes	$30,000,000	100.00	----------
	Preferred ($7)	13,800	2.88	----------
	$6 preferred	65,809.1	17.00	----------
	Second preferred series A ($7)	2,158,236	84.71	----------
	Common	881,500	38.64	38.64
	Option warrants	5,812,884	90.20	----------
Cuban Electric Co.	6 percent debentures	19,500,000	25.87	----------
American Power & Light Co.	$5 preferred	51,640	5.30	20.87
	Common	937,221	21.17	----------
Middle South Utilities, Inc.	do	803,229.63	16.19	16.19
United Gas Corp.	do	2,870,653.17	26.95	26.95
National Power & Light Co.	do	2,540,450	46.56	46.56
Birmingham Electric Co.	do	254,045	46.56	46.56
Ebasco Services, Inc.	Advances	200,000	100.00	----------
	Common stock	16,900	100.00	100.00
Atlantic City Electric Co.	Common	2,631.08	.22	.22
Carolina Power & Light Co.	do	9,204	.92	.80
The Commonwealth & Southern Corp.	do	25,000	.07	.07

If the Plan of American heretofore mentioned is consummated, Bond and Share will receive in exchange for its holdings of the securities of American the following common stocks, subject to a commitment to dispose of such shares of stock within one year from the date of acquisition.

Name of corporation	Number of shares	Percent of total	Percent of total voting power
Florida Power & Light Co	191,590	7.82	7.82
Minnesota Power & Light Co	46,973	6.63	5.70
The Montana Power Co	193,603	7.80	7.33
Texas Utilities Co	343,844	7.81	7.81
American Power & Light Co	183,050	7.81	7.81

Upon consummation of the plan for the dissolution of Electric, Bond and Share acquired the common stocks of Middle South and United, heretofore referred to, pursuant to a declaration filed by Bond and Share (File No. 70–1806) in which it committed itself to dispose of those stocks within one year from the date of acquisition: *Provided, however,* That Bond and Share might institute proceedings before the Commssion for relief from its commitment to dispose of the common stock of United, and for a determination of its right to hold such stock under the act. In its findings and opinion in that case, the Commission stated (Holding Company Act Release No. 8889):

> While not passing at this time upon any future application that Bond and Share may file, we note at this time that on the basis of the record thus far developed in proceedings concerning Bond and Share, we could not approve the acquisition by Bond and Share of the securities of United under the standards of the act. In view of the present commitment of Bond and Share to dispose of United's stock within one year, we shall not now make any adverse findings in connection with the acquisition of these securities. When, and if, Bond and Share seeks a redetermination of its commitment, opportunity will be afforded for full consideration of such application, and we shall then make our determination.

Thus, in accordance with applications heretofore filed in proceedings relating to American and Electric, as well as National, Bond and Share is under commitment to dispose of substantially all of its interests in domestic utility enterprises.

IV. On July 25, 1945, Bond and Share filed a series of Plans with the Commission. Plans I and II related to the retirement of Bond and Share's preferred stocks, while Plan III set forth a future program for the Company. In the "Summary of the Plan" Bond and Share stated that upon consummation of the plans described its sole remaining assets would consist of the securities of American and Foreign Power Company, Inc. ("Foreign Power"), and Ebasco Services, Incorporated ("Ebasco").

The present application, which proposes, among other things, the retention by Bond and Share of its interest in United, a domestic gas utility company, abandons Plan III, as heretofore filed, insofar as that Plan provided for disposition of all interests in domestic utility companies. In summary, the application proposes:

1. Bond and Share will dispose of its interests in domestic utility companies and holding companies owning the common stocks of domestic utility companies, except the common stock of United. To the extent that such securities are subject to disposition by reason of any existing order or orders that may be issued, disposition will be effected in accordance with such orders.

2. After discharging its present bank loans, Bond and Share will use proceeds derived from disposition of properties for risk capital investment in new or established enterprises.

3. Bond and Share will seek exemption from the provisions of the act except with respect to proceedings affecting Foreign Power and to certain distributions which may be made by Bond and Share.

The application further states that Bond and Share will submit the above described program to its stockholders for their formal approval at the appropriate time.

V. The Commission considering that the application previously described raises issues that should not be resolved prior to affording notice and opportunity for hearing with respect thereto; and

It also appearing appropriate that evidence be taken concerning the action necessary to be taken by Bond and Share to conform to the requirements of sections 11 (b) (1) and 11 (b) (2) of the act; and

It further appearing appropriate that evidence be taken concerning the request for modification of the Commission's order with respect to the acquisition of the common stock of United by Bond and Share (File No. 70–1806):

It is hereby ordered, That hearings in the above entitled matter be convened on November 16, 1949 at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before November 14, 1949, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities having advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether there exists such additional evidence as should cause the Commission to modify its previous finding that Bond and Share could not acquire securities of United for retention, and now to find that such acquisition meets the requirements of section 10 (c) (2) and other applicable standards of the act, and will not result in a corporate complexity in the Bond and Share holding company system.

2. Whether the standards of section 11 (b) (1) of the act would permit the retention of United, Foreign Power and Ebasco or any two of them in the same holding company system.

3. Whether, in any event, within the meaning of section 11 (b) (2) of the act, Bond and Share is an undue or unnecessary corporate complexity with respect to the holding company system which includes Foreign Power and its subsidiary companies so as to require Bond and Share to eliminate itself from that holding company system.

4. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers, and consistent with all applicable requirements of the act and the rules thereunder, and whether any modifications should be required to be made therein, and whether any terms and conditions should be imposed to satisfy the applicable statutory standards.

It is further ordered, That at the hearings ordered to be convened on November 16, 1949 attention be directed only to the issue numbered 1, as enumerated above, and that the remaining issues be reserved for further hearings and determination, without prejudice, however, to the Commission's specifying additional matters and questions upon further examination, particularly, but without limitation to, such matters as the exemption from the act requested by Bond and Share, the question of the treatment to be afforded dissident stockholders of Bond and Share should the proposed program be carried out, and in general whether the program described in the application and accompanying documents is necessary to effectuate the standards of section 11 (b) of the act and fair and equitable to the persons affected by it.

It is further ordered, That the proceedings with respect to the instant application, and the proceedings under File Nos. 54–127, 59–3, 59–12 and 70–1806 be, and the same hereby are, consolidated, and that evidence adduced in proceedings designated by such file numbers shall be incorporated in, and be deemed a part of, the record in such of the matters hereby consolidated, without prejudice, however, to the Commission's right upon its own motion, or upon the motion of any interested party to strike such portions of the record in the proceedings designated by such file numbers as may be deemed irrelevant to the issues raised with respect to the instant application.

It is further ordered, That jurisdiction be reserved to separate either for hearing in whole or in part or for disposition in whole or in part, any of the issues, questions, matters, or plans herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings and to take such other action as may appear conducive to an orderly and expeditious disposition of the matters involved in accordance with the standards of the act.

It is further ordered, That notice of this hearing be given by registered mail to Bond and Share and United; that notice shall be given to all other persons by general releases by this Commission which shall be distributed to the press and mailed to the mailing list for releases under the act; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER; and

It is further ordered, That Bond and Share shall give notice of this hearing to all its security holders (insofar as the identity of such security holder is known and available to it) by mailing to each of said persons a copy of this notice and order for hearing at least 20 days prior to the date set for hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-8413; Filed, Oct. 19, 1949; 8:52 a. m.]

[File Nos. 70-2220, 68-126]

GENERAL PUBLIC UTILITIES CORP. AND PENNSYLVANIA ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of October 1949.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), a subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed with this Commission an application, as amended, and a declaration pursuant to the provisions of the Public Utility Holding Company Act of 1935. Applicant-declarant has designated sections 6 (b) and 12 (e) of the act and Rules U-50, U-62 and U-65 of the general rules and regulations promulgated under the act as applicable to the proposed transactions.

All interested persons are referred to said application, as amended, and declaration, which are on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Penelec proposes to issue and sell at competitive sale $11,000,000 principal amount of its First Mortgage Bonds, ____% Series due 1979. It is proposed that the said bonds will be identical with the presently outstanding $60,000,000 principal amount of First Mortgage Bonds of Penelec, except with respect to the issue dates, maturity dates, interest dates, interest rates and the redemption prices thereof. The price to the company of the additional bonds will be fixed at not less than the principal amount thereof nor more then 102¾% thereof.

Subject to obtaining the consent of the holders of a majority of the shares of its outstanding preferred stock to be given at a meeting called for that purpose, Penelec proposes to increase the number of shares of its authorized preferred stock from 216,000 shares of the par value of $100 per share to 240,000 shares of the par value of $100 per share. In this connection, Penelec has filed a declaration pursuant to Rule U-62 with respect to a proposed solicitation of proxies from holders of its preferred stock (File No. 68-126).

Penelec further proposes to issue and sell at competitive sale 70,000 shares of Cumulative Preferred Stock, ____% Series D. It is proposed that the additional preferred stock will be identical with the presently outstanding Cumulative Preferred Stock, 4.40% Series B and 3.70% Series C, $100 par value of Penelec, except with respect to the dividend rate and redemption price thereof. The application states that the additional shares of preferred stock will not be issued and sold at less than the par value thereof nor more than 102¾% thereof.

The proposed issue and sale of the 1979 Series Bonds and the Series D Preferred Stock have been approved by order of the Pennsylvania Public Utility Commission, dated September 26, 1949.

The application states that the proceeds from the sale of the 1979 Series Bonds and the Series D Preferred Stock (exclusive of accrued interest and accrued dividends), aggregating at least $18,000,000 will be utilized for future construction, reimbursement of Penelec's treasury for expenditures made since June 1, 1948, for new construction, and to repay notes the proceeds of which were used for new construction since June 1, 1948.

Penelec's construction program for the last five months of 1949 and for the calendar years 1950 and 1951 contemplates expenditures aggregating $47,000,000. Penelec estimates that the proceeds of the present financing together with funds to be provided through depreciation reserve accruals and retained earnings will take care of its construction requirements through September 30, 1950. Although no determination has been made as to the amount of, or method of obtaining, the additional funds needed for construction requirements subsequent to September 1950, the application states that it is likely that a portion thereof will be provided through depreciation reserve accruals and retained earnings and that it will be necessary or advisable to obtain all or part of the balance through bank borrowings, the issuance and sale of additional bonds, preferred stock or other securities.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application, as amended, and said declaration, and that said application, as amended, and declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission.

It further appearing that the foregoing matters are related, and the evidence offered in respect to each of the matters may have a bearing on the other, and that substantial savings in time, effort and expense will result if said matters are consolidated; and

It appearing to the Commission that in order properly to pass upon said application, as amended, and declaration it is appropriate to inquire into the financing plans of Penelec and of GPU and that for this purpose it is appropriate that GPU be made a party to these proceedings:

It is hereby ordered, That said proceedings be, and hereby are, consolidated.

It is further ordered, That GPU be, and hereby is, made a party respondent in this proceeding.

It is further ordered, That a hearing on said application, as amended, and declaration, as consolidated, and on matters related thereto, as hereinbefore and hereinafter referred to, pursuant to the applicable provisions of the act and the rules of the Commission, be held on October 24, 1949, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing is to be held. Any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before October 21, 1949, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Richard Townsend, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the said application, as amended, and declaration and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the securities to be issued are reasonably adapted to the security structure of the applicant and of the holding company system of which it is a part or whether financing by the issue and sale of such securities is necessary or appropriate to the economical and efficient operation in the business in which Penelec is engaged and, if not, what terms and conditions should be imposed in the public interest or the interest of investors or consumers, and, in particular, what, if any, terms and conditions are necessary or appropriate to protect the financial integrity of Penelec.

(2) The nature and extent of Penelec's construction program and the plans it has made for its financing.

(3) The nature and extent of the financing program of GPU and its subsidiaries, with particular emphasis upon the extent to which GPU proposes to supply equity capital to its subsidiaries in connection with the financing of their construction programs and the possible sources of such funds.

(4) Generally, whether GPU has devised a program for the financing of its subsidiaries designed to maintain balanced capital structures with proper amounts of equity capital.

(5) Whether any terms and conditions should be imposed in the public interest or for the protection of investors and consumers either with respect to Penelec in connection with securing equity capital or with respect to GPU in connection with the furnishing of equity capital to its subsidiaries.

(6) Whether the proposal to obtain the requisite consent of Penelec's preferred stockholders to increase the number of shares of its authorized preferred stock by 24,000 shares complies with the applicable provisions of section 12 (e) of the act and Rules U-62 and U-65 promulgated thereunder and is in the public interest or the interest of investors or consumers.

(7) Whether the consideration to be received for the proposed additional bonds and preferred stock is fair and reasonable.

(8) Whether the fees, commissions, and expenses to be paid in connection with the issue and sale of the proposed additional bonds and preferred stock, and the solicitation of consents of the preferred stockholders, are reasonable.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to Pennsylvania Electric Company, General Public Utilities Corporation, the Pennsylvania Public Utility Commission, and the Federal Power Commission, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-8408; Filed, Oct. 19, 1949; 8:51 a. m.]

[File No. 70-2195]

NORTHERN STATES POWER CO.

INTERIM ORDER DENYING APPLICATION FOR EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 13th day of October A. D. 1949.

Northern States Power Company ("the Company"), a Minnesota corporation, which is a registered holding company and also an operating public-utility company, having filed an application-declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder with respect to the proposed issue and sale by the Company of not less than 1,357,918 nor more than 1,584,238 shares of its Common Stock without par value, the exact amount to be determined by the Company after reviewing market conditions at a time nearer the date of offering, such shares first to be offered to the Company's common stockholders on the basis of one new share to seven or six (as the case may be) of the shares presently outstanding and with a conditional subscription privilege to such stockholders and the Company's employees; and the Company having requested an exemption from the competitive bidding requirements of Rule U-50 in order that it may negotiate with investment bankers for the underwriting of said issue; and

A public hearing having been held with respect to said proposal, and briefs having been submitted and oral argument heard with respect to the Company's application for exemption from competitive bidding; and

The Commission having considered the matter and having concluded that it cannot find that compliance with paragraphs (b) and (c) of Rule U-50 with respect to such issuance and sale is not appropriate to aid the Commission in determining whether the fees, commissions, or other remuneration to be paid directly or indirectly in connection with the issue, sale, or distribution of such securities are reasonable, and whether any term or condition of such issue or sale is detrimental to the public or the interest of investors or consumers;

It is ordered, That the application for exemption from the competitive bidding requirements of Rule U-50, being paragraphs (b) and (c) aforesaid, be and is hereby denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-8409; Filed, Oct. 19, 1949; 8:51 a. m.]

[File No. 70-2231]

MALDEN ELECTRIC CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of October A. D. 1949.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Malden Electric Company ("Malden Electric"), a subsidiary of New England Electric System, a registered holding company. Malden Electric has designated section 6 (b) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than October 27, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 27, 1949, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Malden Electric proposes to borrow, prior to December 31, 1949, an aggregate of $500,000 evidenced by unsecured promissory notes bearing an interest rate of 2% per annum and maturing six months after the respective dates thereof. The lending banks and the respective amounts of their participation are as follows:

The First National Bank of Boston, Boston, Mass.	$250,000
The First National Bank of Malden, Malden, Mass.	100,000
Malden Trust Co., Malden, Mass.	50,000
Middlesex County National Bank, Malden, Mass.	100,000
Total	$500,000

The proceeds to be derived from the bank borrowings estimated in the amount of $450,000 during October 1949 and $50,000 during December 1949 will be utilized by Malden Electric to reimburse its treasury for capital expenditures heretofore made and, in part, to pay for construction work now in progress or contemplated prior to December 31, 1949.

Expenses in connection with the proposed borrowings are estimated to be not in excess of $800, such amount to be paid to New England Power Service Company, an affiliated service company, for services to be rendered at cost.

It is further stated in the application that no State Commission or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

Malden Electric requests that the Commission, other than this Commission, suant to Rule U-23 promulgated under the act and that the Commission's order herein become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-8410; Filed, Oct. 19, 1949; 8:52 a. m.]

[File No. 70-2241]

DERBY GAS & ELECTRIC CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 14th day of October A. D., 1949.

Notice is hereby given that a declaration has been filed with this Commission pursuant to section 7 of the Public Utility Holding Company Act of 1935 by Derby Gas & Electric Corporation ("Derby"), a registered holding company, regarding the proposed issuance and sale by Derby of such number of shares of its common stock as may be necessary to provide Derby with approximately $295,000.

Notice is further given that any interested person may, not later than October 25, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by such declaration, as filed or amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 25, 1949, said declaration, as filed or amended, may be permitted to become effective as provided for in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to such declaration which is on file in the office of this Commission for a statement of the transaction therein proposed which may be summarized as follows:

The presently authorized capital stock of Derby consists of 300,000 shares of no par value stock, 254,514 shares of which are presently outstanding. Derby proposes to issue and sell such additional number of shares as may be necessary to raise approximately $295,000 and in no event will the total number of such shares to be issued and sold computed at the offering price thereof to the public exceed in the aggregate $300,000. The proposed sale of securities is exempt from the competitive bidding requirements of Rule U-50 since the amount involved is less than $1,000,000. The filing states that the additional shares of common stock will be offered for sale to the public through an underwriter or underwriters pursuant to a negotiated transaction. The proceeds of the sale will be applied toward the retirement of Derby's presently outstanding 2¾% short-term notes aggregating $295,000 held by Manufacturers Trust Company. Of the foregoing amount borrowed from Manufacturers Trust Company, $150,000 was used by Derby to satisfy on June 30, 1949, the sinking fund requirements of the indenture securing its outstanding debentures and the balance thereof was added to its working capital.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-8411; Filed, Oct. 19, 1949; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13891]

EVA VON BLOMBERG

In re: Trust under the Will of Eva von Blomberg, deceased. File No. D-28-2584; E. T. sec. 4201.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Freiherr von Blomberg, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Dr. Hans Eberhard Freiherr von Blomberg and the issue, names unknown, of Karl Freiherr von Blomberg and of Dr. Hans Eberhard Freiherr von Blomberg, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Eva von Blomberg, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Old Colony Trust Company, as trustee, acting under the judicial supervision of the Probate Court of Suffolk County, Boston, Massachusetts;

and it is hereby determined:

5. That to the extent that the person identified in subparagraph 1 hereof and Dr. Hans Eberhard Freiherr von Blomberg and the issue, names unknown, of Karl Freiherr von Blomberg and of Dr. Hans Eberhard Freiherr von Blomberg, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8420; Filed, Oct. 19, 1949; 8:52 a. m.]

[Vesting Order 13901]

KONRAD AND IRMGARD VON ILBERG

In re: Safe Deposit Box Lease, contents and personal property owned by Konrad Von Ilberg and Irmgard Von Ilberg. F-28-149-E-1; F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Konrad Von Ilberg and Irmgard Von Ilberg, whose last known addresses are Behrenstrasse 46, Berlin W 8, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests created in Konrad Von Ilberg and Irmgard Von Ilberg under and by virtue of a safe deposit box lease agreement by and between Konrad Von Ilberg and Mrs. Irmgard Von Ilberg and The Chase Safe Deposit Company, 18 Pine Street, New York, New York, relating to safe deposit box number D-76, located in the vaults of said Safe Deposit Company, including particularly but not limited to the right of access to such safe deposit box, and

b. All property of any nature whatsoever owned by Konrad Von Ilberg and Irmgard Von Ilberg, located in the safe deposit box referred to in sub-paragraph 2 (a) hereof and any and all rights and interests of said persons evidenced or represented thereby,

subject, however, to any liens of The Chase Safe Deposit Company, 18 Pine Street, New York, New York, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. 101 shares of $5 par value Capital stock of Bulolo Gold Dredging Ltd., evidenced by certificates numbered M-8107 for 100 shares and M-9039 for 1 share, said certificates registered in the name of Konrad Von Ilberg and presently in the custody of The Marine Midland Trust Company of New York, 120 Broadway, New York 15, New York, in a custodian account for Konrad Von Ilberg and Irmgard Von Ilberg, together with all declared and unpaid dividends thereon,

b. 20 shares of 10 Shillings par value stock of The Sub Nigel Mines Ltd., evi-

denced by a certificate numbered L–32069, registered in the name of Konrad Von Ilberg and presently in the custody of The Marine Midland Trust Company of New York, 120 Broadway, New York 15, New York, in a custodian account for Konrad Von Ilberg and Irmgard Von Ilberg, together with all declared and unpaid dividends thereon,

c. One (1) certificate for right to subscribe to one share of stock of The Sub Nigel Mines Ltd., said certificate numbered 2942, registered in the name of Konrad Von Ilberg and presently in the custody of The Marine Midland Trust Company of New York, 120 Broadway, New York 15, New York, in a custodian account for Konrad Von Ilberg and Irmgard Von Ilberg, together with any and all rights thereunder and thereto,

d. Those certain debts or other obligations evidenced by four (4) checks payable at the Canadian Bank of Commerce, Seattle, Washington, to the order of Konrad Von Ilberg, said checks, dated, numbered and in the amounts set forth below:

Date	Number	Amount
June 10, 1940	1000A	$143.92
Dec. 16, 1940	1009A	143.92
June 30, 1941	1024A	128.78
Dec. 23, 1941	1047A	128.77

said checks presently in the custody of the Marine Midland Trust Company of New York, 120 Broadway, New York 15, New York, in a custodian account for Konrad Von Ilberg, and Irmgard Von Ilberg, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under, including particularly the right to possession and presentation for payment of, the aforesaid checks, and

e. Those certain debts or other obligations, evidenced by 17 checks drawn on the Standard Bank of South Africa Ltd., 63 London Waall, London EC2, to the order of Konrad Von Ilberg, said checks dated, numbered and in the amounts set forth below:

Date	Number	Amount
Feb. 7, 1940	1943	£7-10-0
Aug. 8, 1940	1764	£7-10-0
Feb. 13, 1941	1734	£7- 0-0
Aug. 14, 1941	1840	£5-18-9
Feb. 13, 1942	1854	£5-18-9
Aug. 14, 1942	1749	£4-19-9
Feb. 12, 1943	1748	£4-15-0
Aug. 16, 1944	1645	£4- 3-3
Feb. 14, 1945	1645	£4- 3-3
Aug. 17, 1945	1552	£4- 3-3
Feb. 14, 1946	1563	£4- 3-3
Aug. 16, 1946	1616	£4- 3-3
Feb. 14, 1947	1634	£4- 3-3
Aug. 15, 1947	1650	£4-12-6
Feb. 13, 1948	1726	£4-12-6
Aug. 13, 1948	1746	£4-12-6
Feb. 15, 1949	1671	£4- 3-3

said checks presently in the custody of The Marine Midland Trust Company of New York, 120 Broadway, New York 15, New York, in a custodian account for Konrad Von Ilberg and Irmgard Von Ilberg, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under, including particularly the right to possession and presentation for payment of, the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Konrad Von Ilberg and Irmgard Von Ilberg, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49–8421; Filed, Oct. 19, 1949; 8:52 a. m.]

[Vesting Order 13907]

ERIKA ROHLWINK

In re: Debt owing to Erika Rohlwink. F–28–17728–C–2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erika Rohlwink, whose last known address is Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Erika Rohlwink, by A. W. Lafferty, 4807 Oliver Street, Riverdale, Maryland, in the amount of $2,674.47, as of February 28, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49–8422; Filed, Oct. 19, 1949; 8:53 a. m.]

[Vesting Order 13908]

ROBERT RELLING

In re: Safe deposit box lease and contents owned by Robert Relling. F–28–17647–F–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Relling, whose last known address is Bad Oldesloe, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests created in Robert Relling under and by virtue of a safe deposit box lease agreement by and between Robert Relling and The Chase Safe Deposit Company, 18 Pine Street, New York, New York, relating to safe deposit box number G–186, located in the vaults of said safe deposit company including particularly but not limited to the right of access to such safe deposit box, and

b. All property of any nature whatsoever owned by Robert Relling, located in the safe deposit box referred to in subparagraph 2 (a) hereof and any and all rights and interest of said person evidenced or represented thereby,

subject, however, to any liens of the aforesaid Chase Safe Deposit Company, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8423; Filed, Oct. 19, 1949; 8:53 a. m.]

[Vesting Order 13914]

JUTARO ITO

In re: Rights of Jutaro Ito under Insurance Contract. File No. D-39-19071-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9183, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jutaro Ito, whose last known address is Japan is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 474,179, issued by The Manufacturers Life Insurance Company, Toronto, Canada, to Jutaro Ito, together with the right to demand, receive and collect said net proceeds, (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 10, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8424; Filed, Oct. 19, 1949; 8:53 a. m.

[Vesting Order 13915]

UMETARO KIMOTO

In re: Rights of Umetaro Kimoto under Insurance Contracts. File Nos. F-39-1857-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Umetaro Kimoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 1,173,943 and 1,053,715, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Umetaro Kimoto, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 10, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8425; Filed, Oct. 19, 1949; 8:53 a. m.]

[Vesting Order 13918]

EVA WAEGEN

In re: Rights of Eva Waegen under Insurance Contract. File No. D-28-3630-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eva Waegen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1680243, issued by The Penn Mutual Life Insurance Company, Philadelphia, Pennsylvania, to Rolf H. Waegen, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 10, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8427; Filed, Oct. 19, 1949; 8:53 a. m.]

[Vesting Order 13919]

HANS (JOHANN) WAGNER

In re: Rights of Hans (Johann) Wagner under Insurance Contract. File No. F-28-83-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans (Johann) Wagner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 5877463 A, issued by the Metropolitan Life Insurance Company, New York, N. Y., to Hans (Johann) Wagner, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany).

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 10, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8428; Filed, Oct. 19, 1949; 8:53 a. m.]

[Vesting Order 13916]

MRS. YEICHIYO OBATA ET AL.

In re: Rights of Mrs. Yeichiyo Obata also known as Etsuko Obata et al. under Insurance Contract. File No. F-39-1217-H-1.

Under the authority of the the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Yeichiyo Obata also known as Etsuko Obata, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Nobuo Obata, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9032568, issued by the New York Life Insurance Company, New York, New York, to Nobuo Obata, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Nobuo Obata, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 10, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8426; Filed, Oct. 19, 1949; 8:53 a. m.]

[Vesting Order 13925]

SOFIA MARIA LUNDT ET AL.

In re: Rights of Sofia Maria Lundt et al. under Insurance Contract. File No. F-28-29168-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sofia Maria Lundt, Mrs. Olga Oswaldt, Mrs. Martha Raydt, Werner Lundt and Hans Juergen Schaar, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to the persons named in subparagraph 1 hereof, under a contract of insurance evidenced by policy No. 638613, issued by the Mutual Life Insurance Company of New York, New York, New York, to Karl Lundt, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8429; Filed, Oct. 19, 1949; 8:53 a. m.]

[Vesting Order 13927]

HEINRICH AND JOHANNES SCHOTT

In re: Rights of Heinrich Schott and Johannes Schott under Insurance Contracts. Files No. D-28-12690-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Schott and Johannes Schott, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to the persons named in subparagraph 1 hereof, under contracts of insurance evidenced by policies No. 1566 and 1409, issued by the Columbian National Life Insurance Company, Boston, Massachusetts, to Katie Schott, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliv-

erable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8430; Filed, Oct. 19, 1949; 8:53 a. m.]

[Vesting Order 13928]

FUJISO YANO

In re: Rights of Fujiso Yano under Insurance Contract. File No. D-39-13584-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fujiso Yano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,112,265, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Fujiso Yano, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8431; Filed, Oct. 19, 1949; 8:54 a. m.]

I. G. FARBENINDUSTRIE, A. G.

In re: Interests of I. G. Farbenindustrie, A. G. in certain contracts.

Vesting Order Number 208, dated October 3, 1942, is hereby amended as follows and not otherwise:

By deleting paragraphs numbered 1 and 2 of Exhibit A attached thereto and by reference made a part thereof and substituting therefor the following:

1. All interests and rights (including, but not limited to, all royalties or other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie, A. G. by virtue of an agreement dated March 27, 1931 (including all modifications thereof and supplements thereto) by and between I. G. Farbenindustrie, A. G. and Pennsylvania Salt Manufacturing Company which agreement relates to certain United States patents, including those described as follows:

Patent Nos.	Dates	Inventors	Titles
1,572,952	Feb. 16, 1926	Pistor	Drying calcium hypochlorite compounds.
1,583,421	May 4, 1926	do	Producing calcium hypochlorite compounds.
1,743,242	Jan. 14, 1930	Schultz	Preserving dibasic calcium hypochlorite.
1,916,770	July 4, 1933	Reitz	Improvement in storing qualities of calcium hypochlorite.
1,919,304	July 25, 1933	do	Recovery of calcium hypochlorite.
1,931,622	Oct. 24, 1933	do	Do.
1,969,236	Aug. 7, 1934	do	Manufacture of bleaching powder.
2,244,477	June 3, 1941	do	Recovery of basic calcium hypochlorite compounds.

2. All interests and rights (including, but not limited to, all royalties or other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie, A. G. by virtue of an agreement dated November 1, 1933 (including all modifications thereof and supplements thereto) by and between I. G. Farbenindustrie, A. G. and Pen-Chlor, Incorporated, which agreement relates to certain United States patents, including those described as follows:

Patent Nos.	Dates	Inventors	Titles
1,805,908	May 19, 1931	Fendt	Electrical inductive and resistance heating device.
1,818,888	Aug. 11, 1931	Frank	Process for preparing acid-proof cementing or lining compositions.
1,837,614	Dec. 22, 1931	Gramberg	Acid-proof cementing compositions and preparing same.
1,867,444	July 12, 1932	Dietz	Acid-proof cementing composition.
1,881,180	Oct. 4, 1932	Frank	Acid-proof material and process of preparing it.
1,883,675	Oct. 18, 1932	do	Cement powder and mortar powder.
1,996,859	Apr. 9, 1935	Dietz	Acid-proof mortar for digestors.
2,034,802	Mar. 24, 1936	Frank	Acid-proof self-hardening compositions.
2,077,512	Apr. 20, 1937	Buchloh	Porous bodies.
2,103,768	Dec. 28, 1937	Dietz	Acid-proof self-hardening compositions.
2,208,571	July 23, 1940	do	Acid-proof cement mortars.
2,240,393	Apr. 29, 1941	do	Water glass cement powder and cement mortars produced therefrom.
2,258,546	Oct. 7, 1941	do	Resinous cement rapidly hardening in the cold and making same.
2,269,096	Jan. 6, 1942	do	Cement powders and method of producing acid-proof mortars therefrom.
2,281,834	May 4, 1942	do	Self-hardening cement for spark plugs.

All other provisions of said Vesting Order Number 208 and all action taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 4, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8432; Filed, Oct. 19, 1949; 8:54 a. m.]

[Return Order 446]

LIBRAIRIE ERNEST FLAMMARION

Having considered the claims set forth below and having issued a determination allowing the claims, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Librairie Ernest Flammarion, 26, Rue Racine, Paris, France, Claim Nos. 36718, 36719, 36721, 36722; September 3, 1949 (14 F. R. 5497); property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944) relating to the literary work "Men of Good Will" in 9 volumes entitled "Volume I—Men of Good Will", "Volume II—Passion's Pilgrims", "Volume III—The Proud and The Meek", "Volume IV—The World From Below", "Volume V—The Earth Trembles", "Volume VI—The Depths and The Heights", "Volume VII—Death of a World", "Volume VIII—Verdun" and "Volume XI—Aftermath"; 4 literary works entitled "Christianity Past and Present", "Principles of Psychotherapy", "Thirty Acres" and "Des Histoires Droles Pour La Jeunesse"; 2 short stories entitled "Premier En Anglais" and "Le Nez Du General Suif" published in a collection of French short stories entitled "Contes Et Nouvelles Du Temps Present"; and 3 French essays entitled "La Valeur De La Science", "La Vie De Pasteur" and "Les Horizons De La Science" reproduced in a book entitled "Les Grands Savants Francais" (listed in Exhibit A of said vesting order) including royalties pertaining thereto in the amount of $4,683.74.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 12, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8434; Filed, Oct. 19, 1949; 8:54 a. m.]

[Return Order 368]

ANNE ARCHBALD

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Anne Archbald, Albergo Aquilanti, Italy; Claim No. 34668; June 7, 1949 (14 F. R. 3076); all right, title, interest and claim of any kind or character whatsoever of Anne Archbald in and to the Trust Estate created under the will of Elizabeth C. Archbald, deceased. Trustee: Robert W. Archbald, Jr., 1609 Morris Bldg., Philadelphia 2, Pennsylvania.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 12, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8433; Filed, Oct. 19, 1949; 8:54 a. m.]

[Return Order 451]

JACOB JOHANSSON HJARTSATER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Jacob Johansson Hjartsater, Nygard Railway Station, (Gjovikbanen) Norway; Claim No. 7008; September 2, 1949 (14 F. R. 5483); Property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943) relating to United States Letters Patent No. 2,086,804.

All interests and rights created in Jacob J. Hjartsater by virtue of an agreement dated April 1, 1940 (including all modifications thereof and supplements thereto, if any), by and between Jacob J. Hjartsater, and the B. F. Goodrich Company relating, among other things, to United States Letters Patent No. 2,086,804, to the extent owned by claimant immediately prior to the vesting thereof by Vesting Order No. 4136 (9 F. R. 13814, November 18, 1944), including royalties in the amount of $20,457.64.

This return shall not be deemed to include the rights of any licensees under the above patents and contracts.

In connection with this return claimant has furnished the Attorney General certain covenants contained in a letter dated February 28, 1949. These covenants are attached to the Determination filed herewith as "Exhibit A."

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 13, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8436; Filed, Oct. 19, 1949; 8:55 a. m.]

[Return Order 455]

GERARD K. KLYN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Gerard K. Klyn, Jackson Street, Mentor, Ohio; Claim No. 4341; June 18, 1949, (14 F. R. 3322); property described in Vesting Order No. 291 (7 F. R. 9834, November 26, 1942) relating to United States Patent Application Serial No. 443,971 (now United States Plant Patent No. 707). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 12, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8437; Filed, Oct. 19, 1949; 8:55 a. m.]

[Return Order 459]

COUNT EGON CORTI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Count Egon Corti, Franziskanerplatz 1, Vienna I., Austria, Claim No. 34837; September 9, 1949 (14 F. R. 5554); Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 1758 (9 F. R. 13773, November 17, 1944), relating to the literary work entitled "Elizabeth, Empress of Austria" (listed in exhibit A of said vesting order), including royalties pertaining thereto in the amount of $283.57.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 12, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8438; Filed, Oct. 19, 1949; 8:56 a. m.]

[Return Order 460]

VITAL ANTOINE BERTRY

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Vital Antoine Bertry, 19 rue Chapon, Paris (3) France, Claim No. 13341; September 9, 1949 (14 F. R. 5554); Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,137,327. This return shall not be

deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 13, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8439; Filed, Oct. 19, 1949; 8:56 a. m.]

[Return Order 462]

THOMAS OSTERGAARD ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Thomas Ostergaard, Andreas Ostergaard, Valdemar Ostergaard, Holger Ostergaard, Arne Ostergaard, Mrs. Maren Schmidt, a/k/a Karen Ostergaard, Andrea Johanson, Dagmar Ostergaard Jensen, all residents of Denmark, Claims Nos. 30207 through 30214, respectively; September 9, 1949 (14 F. R. 5555); $199.56 in the Treasury of the United States, to each claimant.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 13, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8440; Filed, Oct. 19, 1949; 8:56 a. m.]

JEAN DETROYE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jean Detroye, Legal Representative of Louis Marie de Corlieu, Paris, France, 33229; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,099,973 including royalties in the amount of $37,666.72.

Executed at Washington, D. C., on October 12, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8441; Filed, Oct. 19, 1949; 8:56 a. m.]

[Return Order 447]

EDITIONS SALABERT S. A.

Having considered the claim set forth below and having issued a determination allowing the claims, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Editions Salabert S. A., 22 Rue Chauchat, Paris, France, Claim Nos. 30074, 36445; September 2, 1949 (14 F. R. 5483); $22,466.23 in the Treasury of the United States. All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of Editions Salabert, of 22 Rue Chauchat, Paris, France, in, to and under the following:

(a) All rights for film synchronization in or under every copyright, claim of copyright and right to copyright in each and all of the works subject to copyright, in which such rights and claims are held by Editions Salabert, of 22 Rue Chauchat, Paris, France;

(b) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing, excepting the rights of any persons to renew any or all of the copyrights arising in, from, or under any or all of the foregoing;

(c) All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

(d) All rights of reversion or revesting, if any, in any or all of the foregoing;

(e) All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing, as described in Vesting Order No. 3553 (9 F. R. 6465, June 13, 1944).

Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating to the musical compositions "Laughing Love", "Ninette" and "It's Delightful to be Married" (listed in Exhibit A of said vesting order).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 12, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8435; Filed, Oct. 19, 1949; 8:55 a. m.]